

# NARCOTIC CONTROL ACT OF 1956

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## REPORT

OF THE

### COMMITTEE ON WAYS AND MEANS HOUSE OF REPRESENTATIVES

TO ACCOMPANY

## H. R. 11619

A BILL TO AMEND THE INTERNAL REVENUE CODE OF 1954 AND THE NARCOTIC DRUGS IMPORT AND EXPORT ACT TO PROVIDE FOR A MORE EFFECTIVE CONTROL OF NARCOTIC DRUGS AND MARIHUANA, AND FOR OTHER PURPOSES



JUNE 19, 1956.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## NARCOTIC CONTROL ACT OF 1956

JUNE 19, 1956.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. Boggs, from the Committee on Ways and Means, submitted the following

### REPORT

[To accompany H. R. 11619]

The Committee on Ways and Means, to whom was referred the bill (H. R. 11619) to amend the Internal Revenue Code of 1954 and the Narcotic Drugs Import and Export Act to provide for a more effective control of narcotic drugs and marihuana, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

### I. PURPOSE

Your committee's bill, H. R. 11619, would amend the provisions of the Internal Revenue Code of 1954 and of certain other Federal statutes relating to the control of narcotic drugs and marihuana so as to provide more effective means for the eradication of the illicit trafficking in these drugs and for the elimination of the illegal uses of these drugs.

Your committee is unanimous in urging the enactment of H. R. 11619.

### II. GENERAL STATEMENT

#### A. PRINCIPAL FEATURES OF H. R. 11619

The principal features of H. R. 11619 may be summarized as follows:

1. *Venue in jurisdiction of apprehension in Marihuana cases.*—It would be made a Federal offense to transport or conceal, or facilitate the transportation or concealment of marihuana acquired without paying the transfer tax. This provision would make venue obtain in the jurisdiction in which a trafficker was apprehended as well as in the jurisdiction in which he acquired the illegal drugs.

2. *Unlawful transportation of marihuana.*—Section 4755 (b) of the Internal Revenue Code of 1954, relating to unlawful acts in case of transportation of marihuana where there is a failure to register and pay the special tax, would be amended so as to bring within the prohibition of the statute any person who may violate its terms. Under present law, the section is applicable only to persons who shall not have paid the special tax and registered pursuant to law. Provision is made, however, to except certain persons such as registrants or their employees and common carriers.

3. *Penalty provisions.*—The penalty provisions of the Internal Revenue Code of 1954 applicable to narcotic drugs and marihuana would be amended so as to increase the mandatory minimum sentence in the case of the trafficker and increase the permissive maximum sentence in the case of both the possessor and the trafficker. At the present time all first offenders are subject to a minimum mandatory sentence of 2 years and a permissive maximum of 5 years; all second offenders, 5 to 10 years; and all third and subsequent offenders, 10 to 20 years. For the trafficker, the penalties would be made a mandatory minimum of 5 years for the first offense and a permissive maximum of 20 years; and for second and subsequent offenses the mandatory minimum would be 10 years with a permissive maximum of 40 years. For sale offenses and conspiracies to commit sale offenses by an adult with respect to a juvenile (under age 18) the bill provides a mandatory minimum sentence of 10 years and a maximum permissive sentence of 40 years. The narcotic or marihuana possessor, as distinguished from the trafficker, would continue to be subject to the present minimum mandatory sentences but would be subject to permissive maximum sentences of 10, 20, and 40 years for first, second, third, and subsequent offenses, respectively. There would be a prohibition on the granting of probation, suspension of sentence, or parole with respect to any of the increased penalties applicable to traffickers. These mitigations of sentences would continue to be available in the case of the first offender possessor. The mandatory fine of not to exceed \$2,000 for all narcotic drug and marihuana law violations would be made discretionary with the maximum limit increased to \$20,000.

4. *Witness immunity from prosecution.*—There would be provided a statutory method of granting immunity from prosecution to witnesses whose testimony is deemed necessary in the public interest in a case involving a violation of the narcotic or marihuana laws.

5. *Appeal by Federal Government from court orders.*—A statutory right of appeal would be available to the United States in cases involving a violation of Federal narcotic or marihuana laws from an order of a court granting a defendant's motion to suppress evidence or to return seized property.

6. *Functions of Federal agents.*—Personnel of the Bureau of Narcotics would be authorized to carry firearms, to execute and serve search warrants and arrest warrants, to serve subpoenas and summonses, and in certain situations to make arrests without warrants.

7. *Search warrants.*—The restrictions which now govern the issuance of night search warrants would be liberalized so that a search warrant could be issued at any time of the day or night if the judge or the commissioner issuing the warrant is satisfied that there is probable cause to believe that the grounds for the application exist.

8. *Penalties for use of communication facilities.*—Penalties would be provided for persons using any communication facility in committing a violation of the Federal statutes applicable to narcotic drugs and marihuana.

9. *Marihuana smuggling.*—Smuggling of marihuana would be made a specific offense of the Narcotic Drugs Import and Export Act so that it would no longer be necessary to rely on the general smuggling laws of the United States in prosecuting cases involving smuggling of marihuana. Penalties corresponding to those described in paragraph 3 above would be made applicable with respect to the unlawful possession of narcotic drugs and marihuana on vessels.

#### B. DESCRIPTION OF H. R. 11619

1. *Short title.*—Section 1 of your committee's bill would provide a short title for H. R. 11619 so that it could be cited as the "Narcotic Control Act of 1956."

2. *Unlawful acquisition, etc., of marihuana.*—Section 2 of your committee's bill would provide that it shall be unlawful for anyone who is a transferee of marihuana required to pay the transfer tax imposed by section 4741 (a) of the Internal Revenue Code of 1954 to (1) acquire marihuana without having paid the transfer tax, or (2) to transport or conceal, or, in any manner facilitate the transportation or concealment of, any marihuana so acquired or obtained. It would also provide that possession of marihuana and failure to produce, upon demand by the Secretary or his delegate, the order form required by section 4742 of the Internal Revenue Code of 1954 to be retained by the transferee shall be presumptive evidence of violation of this section and of liability for the tax imposed by section 4741 (a) of the Internal Revenue Code of 1954. This section is an amendment to existing law in that it would make it an offense to transport or conceal, or facilitate the transportation or concealment of marihuana acquired without paying the transfer tax. Under existing law it is unlawful for any transferee to acquire or otherwise obtain marihuana without payment of tax. It is difficult under existing law to prove the unlawful acquisition of marihuana in the jurisdiction where the defendant is apprehended. Sometimes the Government's own evidence will indicate that the defendant acquired the marihuana in another venue. This handicap would be overcome by providing for venue not only in the jurisdiction where acquisition occurred but also in the jurisdiction where possession was discovered.

3. *Unlawful transportation of marihuana.*—Section 3 of the bill would amend section 4755 (b) of the Internal Revenue Code of 1954 to bring within the prohibition of the statute any person who may violate its terms. Present law makes it unlawful for any person who has not complied with the taxing and registration requirements of sections 4751 to 4753, inclusive, of the Internal Revenue Code of 1954 to send, ship, carry, transport, or deliver any marihuana in interstate commerce, or within or between any Territory, the District of Columbia, any insular possession of the United States, or the Canal Zone. The present statutory language makes the prohibition applicable to any person who has not paid the special tax and registered as required by sections 4751 to 4753.

Section 3 of your committee's bill adopts the language style of a similar section in the Harrison Narcotic Act, section 4724 (b) of the Internal Revenue Code of 1954, so as to clarify the scope of the prohibition. The section does not apply to persons who shall have registered and paid the required special tax, nor to employees of such persons while acting in the scope of their employment, to common carriers, to persons who have lawfully secured marihuana, or to officers engaged in the enforcement of Federal or State laws relating to marihuana.

4. *Penalties.*—Section 4 of H. R. 11619 would amend the penalty provisions of the Internal Revenue Code of 1954 relating to narcotic drugs and marihuana. Penalties (unless otherwise stated) that would be provided by the section are:

First offense—a discretionary fine of not more than \$20,000 and imprisonment for not less than 2 years nor more than 10 years.

Second offense—a discretionary fine of not more than \$20,000 and imprisonment for not less than 5 years nor more than 20 years.

Third or subsequent offense—a discretionary fine of not more than \$20,000 and imprisonment for not less than 10 years nor more than 40 years.

The above penalties would be applicable to persons in illegal possession.

No probation, suspension of sentence, or parole would be granted to a second or subsequent offender. The indeterminate sentence law otherwise applicable to offenses committed in the District of Columbia would not apply to offenses punishable under this section. Under present law the minimum sentences for all offenses are the same as those proposed in this section, but the maximum sentences under the present law are just half the length of the sentences proposed in this section. Present law provides for a mandatory fine of not more than \$2,000 for all offenses. The prohibition of parole for second and subsequent offenders is new. The inapplicability of the District of Columbia indeterminate sentence law is also new.

Subsection (b) of the proposed section 7237 in the bill would for the first time provide a specific penalty for sale offenses and conspiracies to commit sale offenses. For a first offense under this subsection the penalty would be a discretionary fine of not more than \$20,000 and imprisonment for not less than 5 nor more than 20 years. For a second or subsequent offense the fine limitation of not to exceed \$20,000 would remain, but imprisonment would be for not less than 10 nor more than 40 years. If the offender at the time of the offense is over the age of 18 and the offense consisted of the sale, barter, exchange, giving away, or transfer of any narcotic drug or marihuana to a person under the age of 18 or a conspiracy to do such act, the penalty would be a discretionary fine of not more than \$20,000 and imprisonment for not less than 10 nor more than 40 years.

Upon conviction for any offense the penalty for which is provided in subsection (b) of this section, no probation, suspension of sentence, or parole would be granted. Accordingly the mitigation of sentence by probation, suspension, or parole would be available under the revised penalty schedule only in the case of the first-offender possessor. In addition, the indeterminate sentence provisions otherwise applicable to offenses committed in the District of Columbia would not apply.

Subsection (c) of the proposed section 7237 would specify the offenses which shall be considered and counted as previous offenses

in order to determine if a person is a second or subsequent offender. Present law provides a procedure to be followed in proving a second or subsequent offense after conviction in all cases for which increased penalties are provided. Your committee's bill would clarify the offenses that constitute prior convictions for purposes of the act.

Section 4 of your committee's bill would for the first time include penalties for the use of communication facilities in the violation of narcotic and marihuana laws. The prescribed penalty would be imprisonment for not less than 2 years nor more than 5 years and a discretionary fine of not to exceed \$5,000.

The existing penalties for the unlawful disclosure of information on returns or order forms would be revised so that such unlawful disclosure would result in imprisonment for not more than 5 years and a fine of not to exceed \$2,000, or both. Present law provides a schedule of penalties for second and subsequent offenses. Your committee has been informed that such a schedule is not necessary in view of the fact that a person guilty of unlawful disclosure would in all likelihood be subject to severance from his Federal employment.

5. *Immunity of witnesses and appeal from an order to suppress.*—Section 5 would provide a new section 7494 to the Internal Revenue Code of 1954. Subsection (a) of this section would provide a statutory method of granting immunity to witnesses whose testimony is deemed necessary and in the public interest by the United States Attorney and the Attorney General in a case involving a violation of the narcotic or marihuana laws, the penalties for which are provided in subsections 7237 (a) or (b) or in subsections (c) or (h) of section 2 of the Narcotic Drugs Import and Export Act (21 U. S. C. 174) or in the act of July 11, 1941 (21 U. S. C. 184a).

Subsection (b) of this proposed new section would provide a statutory right of appeal by the United States in all cases involving a violation of the Federal narcotic or marihuana laws from an order of the lower court granting a defendant's motion to suppress the evidence or to return seized property. Under present law decisions by lower courts granting motions to suppress the evidence or to return seized property in narcotic and marihuana cases cannot be appealed by the Government, according to the decisions of some of the Federal courts. However, the courts are not uniform in their rulings on this subject. The right of appeal would be clearly recognized and specified in this subsection. To insure against unnecessary delay by the taking of frivolous appeals, this subsection provides that the United States Attorney shall certify to the lower court that the appeal is not taken for the purposes of delay. All such appeals would be required to be taken within 30 days from the date of the order granting defendant's motion to suppress.

6. *Powers of the Bureau of Narcotics and issuance of search warrants.*—Section 6 would provide for the addition of a new section 7607 to the Internal Revenue Code of 1954. Subsection (a) of section 7607 would give authority to personnel of the Bureau of Narcotics to carry firearms, execute and serve search warrants and arrest warrants, serve subpoenas and summonses, and make arrests without warrants in certain situations.

Subsection (b) of section 7607 would ease the restrictions which now govern the issuance of night search warrants under the provisions of rule 41 (c) of the Federal Rules of Criminal Procedure. This sub-

section provides that, in any case where violations of the narcotic or marihuana laws are involved, a search warrant may be issued at any time of the day or night if the judge or the commissioner issuing the warrant is satisfied that there is probable cause to believe that the grounds for the application exist. This subsection eliminates, therefore, the present stringent rule of "positiveness" in the affidavit which now requires evidence that the narcotic drugs sought to be taken under the warrant are in the premises to be searched.

This proposed new subsection (b) of section 7607 would also provide that a search warrant may be directed to any officer of the Metropolitan Police Department of the District of Columbia authorized to enforce or assist in enforcing the Federal narcotic laws. At present, these officers are not civil officers of the United States authorized to receive and execute search warrants issued pursuant to the general laws of the United States.

7. *Penalties for violating the Narcotic Drugs Import and Export Act.*—Section 7 would amend section 2 (c) of the Narcotic Drug Import and Export Act, as amended (21 U. S. C. 174), by increasing the penalties for violation of that statute. The present first offense penalty would be increased from a minimum 2 years and a maximum 5 years imprisonment to a minimum of 5 years and a maximum of 20 years. A second or subsequent offender would be subject to a minimum imprisonment of not less than 10 years and a maximum imprisonment of not more than 40 years. A discretionary fine of not more than \$20,000 would be allowed for a first or subsequent offense. Under the present law a second offender is subject to imprisonment of not less than 5 nor more than 10 years and a third or subsequent offender is subject to imprisonment for not less than 10 nor more than 20 years. At present a mandatory fine of not more than \$2,000 applies to all offenses. Under the present law probation and suspended sentence are available for first offenders and parole is available to all offenders. The proposed amendment contained in your committee's bill would provide that probation, suspension of sentence, and parole would not be available to any offender. Also the indeterminate sentence applicable to the District of Columbia would not apply.

8. *Smuggling of marihuana.*—Section 8 would provide an amendment to section 2 of the Narcotic Drugs Import and Export Act by adding a new subsection (h). This new subsection would define and provide penalties, apart from the provision of any other existing statute for the offense of smuggling marihuana into the United States. Smuggling of marihuana could henceforth be prosecuted as a violation of this subsection and not as a violation of any of the provisions of the general smuggling statute (18 U. S. C. 545).

Subsection (h) would also provide that it shall be unlawful to receive, conceal, buy, sell, or facilitate the transportation, concealment or sale of any marihuana, knowing it to have been brought into the United States contrary to law. A legislative presumption is included which would make the unexplained possession of marihuana by the defendant sufficient evidence for conviction. The penalties provided for violation of this section are the same as those provided in the proposed amendment to section 2 (c) of the Narcotic Drugs Import and Export Act (sec. 7 of the bill).

9. *Unlawful possession of narcotic drugs and marihuana on vessels.*—Section 9 would amend subsection (a) of the first section of the act of

July 11, 1941 (21 U. S. C. 184a) by providing the same penalties for violating that section as is proposed in section 7 of the bill for violation of section 2 (c) of the Narcotic Drugs Import and Export Act. Under the present law the penalty for bringing any narcotic drug or marihuana on board any vessel of the United States engaged on a foreign voyage is a fine of not more than \$5,000 or imprisonment for not more than 5 years, or both.

Subsection (b) of section 9 corrects a reference in subsection (b) of section one of the act of July 11, 1941 (21 U. S. C. 184a (b)) so that it will conform to the proper reference in the Internal Revenue Code of 1954.

10. *Territorial extent of law.*—Section 10 of your committee's bill would clarify the territorial extent of the provisions referred to in section 4774 of the Internal Revenue Code of 1954 so that on and after the effective date of H. R. 11619 these provisions would not be applicable to the Commonwealth of Puerto Rico unless the Legislative Assembly of the Commonwealth of Puerto Rico expressly consents thereto in the manner prescribed in the constitution of the Commonwealth of Puerto Rico for the enactment of a law.

11. *Effective date.*—Section 11 would provide that H. R. 11619 shall take effect on the day following the date of enactment.

#### C. NEED FOR THE LEGISLATION

1. *General comment.*—This legislation, H. R. 11619, which was unanimously reported by your committee, has as its objective the eradication of one of the most serious social problems confronting the American public today; viz: the illicit trafficking in narcotic drugs and marihuana and their illegal uses.

This evil commerce in narcotic drugs and marihuana has devastated the lives of thousands of addicts and has deprived the affected communities and the Nation of what otherwise would have been the addict's useful contribution to society. The existence of drug addiction has been described as a "social malignancy" because of the manner in which this dread affliction breeds its own furtherance and destroys those who fall victims of its compulsion.

A current estimate by the Federal Bureau of Narcotics of the number of persons addicted to drugs in the United States indicates there are about 60,000 addicts, or an incidence of about 1 for each 3,000 population. It has been estimated that the high cost of illicit drugs requires that an addict spend from \$50 to \$100 per week to maintain his addiction. The average addict spends approximately \$10 a day for narcotics and with an estimated 60,000 addicts in this country, approximately \$600,000 is spent daily and \$219,000,000 annually for drugs obtained through illicit sources.

In the United States the important drugs subject to abuses are heroin, marihuana, opium, synthetic narcotics, cocaine, barbiturates, and amphetamines. According to its type, a drug may be stimulating, depressive, or hypnotic in its effect upon the user. Drug addiction has been defined as follows:

Drug addiction is a state of periodic or chronic intoxication, detrimental to the individual and to society, produced by the repeated consumption of a drug (natural or synthetic). Its characteristics include:

- (1) An overpowering desire or need (compulsion) to continue taking the drug and to obtain it by any means;
- (2) A tendency to increase the dose;
- (3) A psychic (psychological) and sometimes physical dependence on the effects of the drug.

Drug addiction is not a disease. It is a symptom of a mental or psychiatric disorder. Because contact with a drug is an essential prerequisite to addiction, the elimination of drug servility on the part of addicted persons can best be accomplished by the removal from society of the illicit trafficker. It is to this end that your committee has taken favorable action on H. R. 11619.

It will be recalled that the so-called Boggs law, Public Law 255 of the 82d Congress, provided minimum mandatory sentences for narcotic violators for the first time. The enactment and vigilant enforcement of this legislation have brought about a significant decline in the extent of addiction in the United States.

The year 1952 was the peak year in the post-World War II period for arrests for narcotic law violations. In 1953 there were 23,627 arrests, both Federal and State, under the narcotic laws. In 1954 arrests under the narcotic laws dropped to 19,489. Your committee was advised that the principal cause of the decline in narcotic traffic as evidenced by the reduced number of arrests was the severe penalties provided by the enactment of Public Law 255 of the 82d Congress. Prior to the time this legislation became law, the average narcotic sentence was 18 months. At the present time the average narcotic sentence is 43 months. It is with a view of achieving further success in the eradication of the illicit drug traffic that your committee's bill provides increased penalties for narcotic and marihuana law violations.

While narcotic addiction and the illicit narcotic traffic are generally on the decline in the United States they continue unabated in the metropolitan areas of New York, Chicago, Los Angeles, Detroit, and in certain areas of the State of Texas. Because of the magnitude of the narcotic problem in these areas and the recognition that the existence of even one addicted person in a community is a serious social problem, the Committee on Ways and Means created a Subcommittee on Narcotics in the closing days of the 1st session of the 84th Congress. That subcommittee was directed to make an investigation and study of illicit trafficking in narcotics, barbiturates, and amphetamines with particular attention to be paid to a study of the effect of the so-called Boggs' law, Public Law 255 of the 82d Congress, on the illicit narcotic traffic.

The Subcommittee on Narcotics is composed of Messrs. Hale Boggs, of Louisiana (chairman), Frank M. Karsten, of Missouri, Eugene J. McCarthy, of Minnesota, Frank M. Ikard, of Texas, John W. Byrnes, of Wisconsin, Antoni N. Sadlak, of Connecticut, and Howard H. Baker, of Tennessee. The Committee on Ways and Means has unanimously directed that the Subcommittee on Narcotics be commended for the outstanding manner in which it has completed its assigned task. The Committee on Ways and Means is unanimous in approving the report of the Subcommittee on Narcotics of May 10, 1956, which is printed as appendix B to this report.

2. *Legislation and enforcement.*—During the 19th century and the early years of the 20th century there was little governmental control

over the use of narcotic drugs within the United States. At the present time the manufacture, importation, distribution, and use of narcotic drugs are subject to Federal, State, and local control and regulation. The basic statute providing Federal controls is the Harrison Narcotic Act, enacted in 1914, and subsequently made a part of the Internal Revenue Code. The other two principal Federal statutes which specifically control narcotic drugs and marihuana are the Narcotic Drugs Import and Export Act and the Marihuana Tax Act. The Harrison Narcotic Act provides the machinery through which the Federal Bureau of Narcotics is able to exercise control over the distribution of narcotic drugs within the country. The Narcotic Drugs Import and Export Act allows the Commissioner of Narcotics to control the importation of opium and coca leaves and the exportation of manufactured narcotic drugs and preparations. It prohibits the importation of opium prepared for smoking purposes. It also prohibits the importation of opium for the manufacture of heroin. The Marihuana Tax Act, by requiring the registration and payment of tax, controls the traffic in marihuana. In addition, the United States smuggling law is applicable to the illegal entries of drugs. Your committee's bill would make the smuggling of marihuana a specific offense under the Narcotic Drugs Import and Export Act.

The Department of the Treasury is the principal Federal agency with responsibility for the enforcement of these laws. This responsibility arises from the fact that the Federal narcotic laws are revenue measures. There are two bureaus within the Department of the Treasury involved in narcotic law enforcement. The Bureau of Narcotics, established in 1930, in the Department of the Treasury, is responsible for regulating, supervising, and controlling the importation and manufacture of narcotics for legal uses and the registration of those persons concerned with such uses. In addition the Bureau of Narcotics is responsible for the apprehension of those found to be violators of the narcotic laws. The Bureau of Customs in the Department of the Treasury is responsible for the prevention of smuggling and cooperates with the Federal Bureau of Narcotics in combating the illicit narcotic traffic.

The Public Health Service in the Department of Health, Education, and Welfare is responsible for the Federal treatment and rehabilitation of addicted persons, as well as new research on the drugs as they are produced.

Because narcotic drugs and marihuana are small in volume and high in price, the enforcement program with respect to the elimination of the illicit traffic has required constant vigilance on the part of the responsible Federal agencies. It is the view of your committee that these Federal agencies are to be commended for the outstanding work they have done in this field. Because present law has proved inadequate and in some cases has placed serious obstacles in the path of enforcement officers your committee is recommending appropriate changes in the applicable statutes.

For example, recent court decisions have tended, under certain circumstances, to furnish the criminal with a cloak of immunity to the detriment of society as a whole. These decisions have forced changes in recognized investigative procedures which have been sanctioned by the courts for many years. The narcotic traffickers, who are in most cases well organized professional racketeers, take full

advantage of any limitations placed on enforcement officers. In some instances enforcement officers have been restricted in their right to arrest without a warrant, and to search and seize contraband before and after a valid arrest. The use of evidence of admissions and of confessions following an arrest has been curtailed. The enforcement officers have been required to secure an arrest warrant or a search warrant, even though circumstances indicate the impracticability of such a procedure. The delay involved in obtaining a warrant permits the destruction or removal of the narcotic evidence and allows the narcotic traffickers to escape prosecution for their crime. These and other restrictions on enforcement officers leave the public unprotected and give narcotic violators, especially the more reprehensible, larger racketeers and wholesalers, an advantage over law-enforcement officers in their efforts to combat the illicit narcotic traffic.

Accordingly, your committee urges that the corrective measures provided in H. R. 11619 be enacted immediately to permit enforcement officers to operate more effectively. To this end H. R. 11619 would provide for (1) authorization for more effective searches and seizures in narcotic cases; (2) authority for Federal agents to carry firearms, to execute and serve warrants, and to make arrests without warrants for narcotic violations under certain circumstances; (3) a statutory method to grant immunity to witnesses in cases involving a violation of the narcotic or marihuana laws; (4) the United States to have the right of appeal from certain court orders granting a defendant a motion to suppress evidence or to return seized property; and (5) the strengthening of the applicable venue provisions so that venue in marihuana cases would lie within the jurisdiction in which a trafficker was apprehended as well as in the jurisdiction of acquisition.

3. *Penalties.*—It is statistically demonstrable that the illicit drug traffic continues to flourish in those problem areas where leniency with respect to sentencing of convicted traffickers is an established pattern in the courts. Effective control of the vicious illicit drug traffic requires not only vigorous enforcement but also certainty of punishment. It is the view of your committee that the imposition of heavier penalties is the strongest and most effective deterrent to narcotic addiction and illicit drug traffic.

The enactment of Public Law 255 of the 82d Congress, the so-called Boggs law, in 1951, has been largely responsible for turning the rising tide of the illicit narcotic and marihuana traffic and addiction. The Boggs' law for the first time imposed minimum mandatory sentences for violations of the narcotic and marihuana laws. It provides a penalty of not less than 2 years nor more than 5 years for a first offense; not less than 5 years nor more than 10 years for a second offense; and for a third or subsequent offense, not less than 10 years nor more than 20 years. It also prescribes a mandatory fine of not to exceed \$2,000. For second or subsequent offenses it prohibits probation or suspension of sentence. As has been previously indicated, the average sentence for a narcotics violation before the enactment of Public Law 255 was 18 months, and the average narcotic sentence now is approximately 43 months.

In evaluating the effectiveness of the presently prescribed penalties, it must be recognized that special incentives in our penal system serve to decrease the actual time spent in a penal institution under a sentence imposed by a court. The violator is eligible for parole after

serving one-third of his sentence. As is true of all Federal violators, he is eligible for conditional release after serving two-thirds of his sentence. Available data from the Bureau of Prisons, indicates that a narcotics violator actually serves an average of less than two-thirds of the sentence imposed by the court. This mitigation of sentence tends to defeat the purposes of Public Law 255 and in the view of your committee should be corrected by the establishment of more severe mandatory minimum sentences and permissive maximum sentences as provided in H. R. 11619. The recommended increase in the severity of the schedule of sentences is justified by (1) the seriousness of the social problem that is posed by the illicit-drug trafficker, and (2) the factual evidence proving the deterring value of severe penalties for narcotic and marihuana law violations.

Your committee's bill would provide that the convicted narcotic and marihuana peddler would be sentenced to not less than 5 years for a first offense; and not less than 10 years for a second or subsequent offense. Maximum sentences would be increased to 20 years and 40 years, respectively for first offenses and for second and subsequent offenses in the case of narcotic and marihuana peddlers. Under your committee's bill there would be a prohibition on the granting of probations, suspension of sentence, or parole with respect to any of the increased penalties applicable to traffickers. The prohibition would not apply in the case of first-offender-possessor. The mandatory fine of not to exceed \$2,000 for narcotic drug and marihuana law violations provided under present law would be made discretionary with the maximum limit increased to \$20,000.

The need for the elimination of probation, suspension of sentence, and parole with respect to the first-offender-trafficker is demonstrated by the appearance of increasing numbers of recruits with a record of no previous narcotic offenses in the illicit trafficking because of the severe penalties imposed on repeating offenders. As a result of the fact that repeating offenders are subject to a heavier mandatory penalty under the Boggs' law, persons having a previous narcotic or marihuana law violation conviction have moved into the background and recruited young hoodlums as peddlers. At the present time, 80 percent of the violators apprehended and convicted are first offenders under the narcotic and marihuana laws. The majority of these individuals have prior records of crime. However, because they have no prior conviction for violations under the Boggs law, they are considered as first offenders. With the possibility of receiving probation or a suspended sentence, these unscrupulous individuals are willing to risk apprehension for the profits derived from this type of crime. Therefore, it is the view of your committee that the first-offender-peddler problem will become progressively worse and eventually lead to the large scale recruiting of our youth by the upper echelon of traffickers unless immediate action is taken to prohibit parole, probation, or suspension of sentence in the case of all persons convicted of trafficking in narcotic and marihuana drugs.

In addition to effectively deterring the entrance of hoodlum recruits into the field of illicit trafficking, it is necessary that the violator with a record of prior drug offenses be dealt with in a most severe manner. There are few criminal acts that are more reprehensible than the act of abetting drug addiction by engaging in the illicit narcotic and marihuana traffic. Prior to the enactment of the Boggs law in the

82d Congress, Federal enforcement officers found that by the time a gang of drug violators was apprehended, the case processed through the courts, and the violators sentenced, a previous gang that had gone through the same procedure was out of prison and had returned to the illicit drug traffic.

It is the view of your committee that the illicit drug trafficker, whether he be a first offender or an offender with previous convictions, must be severely punished. The illicit traffic can only be eradicated by the establishment of laws by the Congress that will enable enforcement officials to effectively and vigilantly work to apprehend the trafficker and that will enable the courts to justly impose sentences that are commensurate with the horrendous nature of the offense involved.

There are printed in appendix A of this report tables indicating (1) the effect of the Boggs Act on average sentences and number of cases reported comparing the years 1950 and 1954, (2) the average sentence of Federal prisoners on narcotic and marihuana charges, by judicial districts for fiscal years 1950 through 1954, (3) the average narcotic sentences by judicial districts for the years 1947 through 1954, and (4) the average marihuana sentences by judicial districts for the years 1947 through 1954.

*4. Hospitalization and rehabilitation.*—At the direction of the Congress, the Public Health Service, now in the Department of Health, Education, and Welfare, pioneered during the early 1920's the systematic studies of the nature and extent of narcotic addiction. Special studies at that time contributed to the development of effective measures for the treatment and rehabilitation of addicted persons. In 1928, Congress authorized the establishment of a special Public Health Service Hospital at Lexington, Ky., and later another hospital at Fort Worth, Tex., for the purpose of treating narcotic addicts. These hospitals, in addition to treating addicts, are centers for research studies in the properties of narcotic drugs and their effects upon man.

Notable progress has been made in the treatment of drug addiction. However, experience has demonstrated that such treatment must be carried out in a drug-free environment, which makes institutional care essential. Although withdrawal from drugs is now a relatively simple matter from the medical standpoint, there remains a high rate of recidivism. The transition from institutional care to a free community life is difficult and uncertain. Improved followup care on the State and local levels of the successfully treated and recently released patient is most urgently needed to effect a lasting cure. The true success of withdrawal treatment can only be measured in terms of the success and permanency of the results of rehabilitating the former addict. The most important contribution that the Federal Government can make to the achievement of this end is the suppression of the illicit drug traffic. It is your committee's view that H. R. 11619 will provide salutary results in the relentless drive to remove the trafficker from our society.

### III. CONCLUSION

Experience with the Boggs law, Public Law 255 of the 82d Congress, since its enactment on November 2, 1951, has clearly demonstrated the efficacy of severe punishment in reducing the illicit commerce in drugs. It is the view of your committee that the passage of

H. R. 11619 will provide our Federal enforcement officials and the Federal judiciary with the means to bring about a sharp reduction and perhaps the elimination of the illicit drug traffic in the United States. The compelling need for success in this endeavor and the danger to our society of failure to achieve that success warrant prompt action by the Congress. Accordingly, your committee is unanimous in urging favorable action on H. R. 11619.

#### IV. CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

#### Internal Revenue Code of 1954

\* \* \* \* \*

##### SEC. 4744. UNLAWFUL POSSESSION.

[(a) PERSONS IN GENERAL.—It shall be unlawful for any person who is a transferee required to pay the transfer tax imposed by section 4741 (a) to acquire or otherwise obtain any marihuana without having paid such tax; and proof that any person shall have had in his possession any marihuana and shall have failed, after reasonable notice and demand by the Secretary or his delegate, to produce the order form required by section 4742 to be retained by him shall be presumptive evidence of guilt under this section and of liability for the tax imposed by section 4741 (a).]

(a) *PERSONS IN GENERAL.—It shall be unlawful for any person who is a transferee required to pay the transfer tax imposed by section 4741 (a)—*

*(1) to acquire or otherwise obtain any marihuana without having paid such tax, or*

*(2) to transport or conceal, or in any manner facilitate the transportation or concealment of, any marihuana so acquired or obtained. Proof that any person shall have had in his possession any marihuana and shall have failed, after reasonable notice and demand by the Secretary or his delegate, to produce the order form required by section 4742 to be retained by him shall be presumptive evidence of guilt under this subsection and of liability for the tax imposed by section 4741 (a).*

\* \* \* \* \*

##### SEC. 4755. UNLAWFUL ACTS IN CASE OF FAILURE TO REGISTER AND PAY SPECIAL TAX.

(a) **TRAFFICKING.**—

\* \* \* \* \*

[(b) **TRANSPORTATION.**—It shall be unlawful for any person who shall not have paid the special tax and registered, as required by sections 4751 to 4753, inclusive, to send, ship, carry, transport, or deliver any marihuana within any Territory, the District of Columbia,

or any insular possession, or from any State, Territory, the District of Columbia, any insular possession of the United States, or the Canal Zone, into any other State, Territory, the District of Columbia, or insular possession of the United States: *Provided*, That nothing contained in this section shall apply to any common carrier engaged in transporting marihuana; or to any employee of any person who shall have registered and paid the special tax as required by sections 4751 to 4753, inclusive, while acting within the scope of his employment; or to any person who shall deliver marihuana which has been prescribed or dispensed by a physician, dentist, veterinary surgeon, or other practitioner registered under section 4753, who has been employed to prescribe for the particular patient receiving such marihuana; or to any United States, State, county, municipal, District, Territorial, or insular officer or official acting within the scope of his official duties.】

(b) *TRANSPORTATION*.—*Except as otherwise provided in this subsection, it shall be unlawful for any person to send, ship, carry, transport, or deliver any marihuana within any Territory, the District of Columbia, or any insular possession of the United States, or from any State, Territory, the District of Columbia, or any insular possession of the United States into any other State, Territory, the District of Columbia, or insular possession of the United States. Nothing contained in this subsection shall apply—*

(1) *to any person who shall have registered and paid the special tax as required by sections 4751 to 4753, inclusive;*

(2) *to any common carrier engaged in transporting marihuana;*

(3) *to any employee acting within the scope of his employment for any person who shall have registered and paid the special tax as required by sections 4751 to 4753, inclusive, or to any contract carrier or other agent acting within the scope of his agency for such registered person;*

(4) *to any person who shall deliver marihuana which has been prescribed or dispensed by a physician, dentist, veterinary surgeon, or other practitioner registered under section 4753 and employed to prescribe for the particular patient receiving such marihuana;*

(5) *to any person carrying marihuana which has been obtained by the person from a registered dealer in pursuance of a written prescription referred to in section 4742 (b) (2), issued for legitimate medical uses by a physician, dentist, veterinary surgeon, or other practitioner registered under section 4753, if the bottle or other container in which such marihuana is carried bears the name and registry number of the druggist, serial number of prescription, name and address of the patient, and name, address, and registry number of the person issuing such prescription;*

(6) *to any person carrying marihuana which has been obtained by the person as a patient from a registered physician, dentist, or other practitioner in the course of his professional practice if such marihuana is dispensed to the patient for legitimate medical purposes;*  
or

(7) *to any United States, State, county, municipal, District, Territorial, or insular officer or official acting within the scope of his official duties.*

\* \* \* \* \*

**SEC. 4774. TERRITORIAL EXTENT OF LAW.**

The provisions of sections 4701 to 4707, inclusive, and sections 4721 to 4776, inclusive, shall apply to the several States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, and the insular possessions of the United States; and, in the case of narcotic drugs, shall also apply to the Trust Territory of the Pacific Islands and to the Canal Zone. *On and after the effective date of the Narcotic Control Act of 1956, the provisions referred to in the preceding sentence shall not apply to the Commonwealth of Puerto Rico unless the Legislative Assembly of the Commonwealth of Puerto Rico expressly consents thereto in the manner prescribed in the constitution of the Commonwealth of Puerto Rico for the enactment of a law.*

**[SEC. 7237. VIOLATION OF LAWS RELATING TO NARCOTIC DRUGS AND TO MARIHUANA.**

**[(a) VIOLATION OF LAW RELATING TO OPIUM AND COCA LEAVES AND MARIHUANA.]**—Whoever commits an offense or conspires to commit an offense described in part I, or part II of subchapter A of chapter 39 for which no specific penalty is otherwise provided, shall be fined not more than \$2,000 and imprisoned not less than 2 or more than 5 years. For a second offense, the offender shall be fined not more than \$2,000 and imprisoned not less than 5 or more than 10 years. For a third or subsequent offense, the offender shall be fined not more than \$2,000 and imprisoned not less than 10 or more than 20 years. Upon conviction for a second or subsequent offense, the imposition or execution of sentence shall not be suspended and probation shall not be granted. For the purpose of this subsection, an offender shall be considered a second or subsequent offender, as the case may be, if he previously has been convicted of any offense the penalty for which is provided in this subsection or in section 2 (c) of the Narcotic Drugs Import and Export Act, as amended (21 U. S. C. 174), or if he previously has been convicted of any offense the penalty for which was provided in section 9, chapter 1, of the act of December 17, 1914 (38 Stat. 789), as amended; section 1, chapter 202, of the act of May 26, 1922 (42 Stat. 596), as amended; section 12, chapter 553, of the act of August 2, 1937 (50 Stat. 556), as amended; or sections 2557 (b) (1) or 2596 of the Internal Revenue Code enacted February 10, 1939 (ch. 2, 53 Stat. 274, 282), as amended. After conviction, but prior to pronouncement of sentence, the court shall be advised by the United States attorney whether the conviction is the offender's first or a subsequent offense. If it is not a first offense, the United States attorney shall file an information setting forth the prior convictions. The offender shall have the opportunity in open court to affirm or deny that he is identical with the person previously convicted. If he denies the identity, sentence shall be postponed for such time as to permit a trial before a jury on the sole issue of the offender's identity with the person previously convicted. If the offender is found by the jury to be the person previously convicted, or if he acknowledges that he is such person, he shall be sentenced as prescribed in this subsection.

**[(b) UNLAWFUL DISCLOSURE OF INFORMATION ON RETURNS OR ORDER FORMS.]**—Any person who shall disclose the information contained in the statements or returns required under section 4732 (b) or in the duplicate order forms required in section 4705 (e), except as expressly provided in section 4773, and except for the purpose of enforcing the provisions of part I of subchapter A of chapter 39, or

for the purpose of enforcing any law of any State or Territory or the District of Columbia, or any insular possession of the United States, or ordinance of any organized municipality therein, regulating the sale, prescribing, dispensing, dealing in, or distribution of narcotic drugs, shall, on conviction, be fined or imprisoned as provided by subsection (a) of this section.】

**SEC. 7237. VIOLATION OF LAWS RELATING TO NARCOTIC DRUGS AND TO MARIHUANA.**

(a) *WHERE NO SPECIFIC PENALTY IS OTHERWISE PROVIDED.*—Whoever commits an offense, or conspires to commit an offense, described in part I or part II of subchapter A of chapter 39 for which no specific penalty is otherwise provided, shall be imprisoned not less than 2 or more than 10 years and, in addition, may be fined not more than \$20,000. For a second offense, the offender shall be imprisoned not less than 5 or more than 20 years and, in addition, may be fined not more than \$20,000. For a third or subsequent offense, the offender shall be imprisoned not less than 10 or more than 40 years and, in addition, may be fined not more than \$20,000.

(b) *SALE OR OTHER TRANSFER WITHOUT WRITTEN ORDER.*—Whoever commits an offense, or conspires to commit an offense, described in section 4705 (a) or section 4742 (a) shall be imprisoned not less than 5 or more than 20 years and, in addition, may be fined not more than \$20,000. For a second or subsequent offense, the offender shall be imprisoned not less than 10 or more than 40 years and, in addition, may be fined not more than \$20,000. If the offender attained the age of 18 before the offense and—

(1) the offense consisted of the sale, barter, exchange, giving away, or transfer of any narcotic drug or marihuana to a person who had not attained the age of 18 at the time of such offense, or

(2) the offense consisted of a conspiracy to commit an offense described in paragraph (1),  
the offender shall be imprisoned not less than 10 or more than 40 years and, in addition, may be fined not more than \$20,000.

(c) *CONVICTION OF SECOND OR SUBSEQUENT OFFENSE.*—

(1) *PRIOR OFFENSES COUNTED.*—For purposes of subsections (a), (b), and (d) of this section, subsections (c) and (h) of section 2 of the Narcotic Drugs Import and Export Act, as amended (21 U. S. C., sec. 174), and the Act of July 11, 1941, as amended (21 U. S. C., sec. 184a), an offender shall be considered a second or subsequent offender, as the case may be, if he previously has been convicted of any offense the penalty for which was provided in subsection (a) or (b) of this section or in—

(A) subsection (c) or (h) of section 2 of the Narcotic Drugs Import and Export Act (21 U. S. C., sec. 174);

(B) the Act of July 11, 1941 (21 U. S. C., sec. 184a);

(C) section 9 of the Act of December 17, 1914 (38 Stat. 789);

(D) section 1 of the Act of May 26, 1922 (42 Stat. 596);

(E) section 12 of the Marihuana Tax Act of 1937 (50 Stat. 556); or

(F) section 2557 (b) (1) or 2596 of the Internal Revenue Code of 1939.

For purposes of determining prior offenses under the preceding sentence, a reference to any subsection, section, or Act providing a penalty for an offense shall be considered as a reference to such subsection, section, or Act as in effect (as originally enacted or as amended, as the case may be) with respect to the offense for which the offender previously has been convicted.

(2) *PROCEDURE*.—After conviction (but before pronouncement of sentence) of any offense the penalty for which is provided in subsection (a) or (b) of this section, subsection (c) or (h) of section 2 of the Narcotic Drugs Import and Export Act, as amended, or such Act of July 11, 1941, as amended, the court shall be advised by the United States attorney whether the conviction is the offender's first or a subsequent offense. If it is not a first offense, the United States attorney shall file an information setting forth the prior convictions. The offender shall have the opportunity in open court to affirm or deny that he is identical with the person previously convicted. If he denies the identity, sentence shall be postponed for such time as to permit a trial before a jury on the sole issue of the offender's identity with the person previously convicted. If the offender is found by the jury to be the person previously convicted, or if he acknowledges that he is such person, he shall be sentenced as prescribed in subsection (a) or (b) of this section, subsection (c) or (h) of such section 2, or such Act of July 11, 1941, as amended, as the case may be.

(d) *NO SUSPENSION OF SENTENCE; NO PROBATION; ETC.*—Upon conviction—

(1) of any offense the penalty for which is provided in subsection (b) of this section, subsection (c) or (h) of section 2 of the Narcotic Drugs Import and Export Act, as amended, or such Act of July 11, 1941, as amended, or

(2) of any offense the penalty for which is provided in subsection (a) of this section, if it is the offender's second or subsequent offense, the imposition or execution of sentence shall not be suspended, probation shall not be granted, section 4202 of title 18 of the United States Code shall not apply, and the Act of July 15, 1932 (47 Stat. 696; D. C. Code 24-201 and following), as amended, shall not apply.

(e) *USE OF COMMUNICATIONS FACILITIES.*—

(1) *PENALTIES.*—Whoever uses any communication facility in committing or in causing or facilitating the commission of, or in attempting to commit, any act or acts constituting an offense or a conspiracy to commit an offense the penalty for which is provided in—

(A) subsection (a) or (b) of this section,

(B) subsection (c) or (h) of section 2 of the Narcotic Drugs Import and Export Act (21 U. S. C., sec. 174), or

(C) the Act of July 11, 1941 (21 U. S. C., sec. 184a), shall be imprisoned not less than 2 or more than 5 years and, in addition, may be fined not more than \$5,000. Each separate use of a communication facility shall be a separate offense under this paragraph.

(2) *COMMUNICATION FACILITY DEFINED.*—For purposes of this subsection, the term 'communication facility' means any and all public and private instrumentalities used or useful in the transmission of writings, signs, signals, pictures, and sounds of all kinds by mail, telephone, wire, radio, or other means of communication.

(f) *UNLAWFUL DISCLOSURE OF INFORMATION ON RETURNS AND ORDER FORMS.*—Any person who shall disclose the information contained in the statements or returns required under section 4732 (b) or 4754 (a), in the duplicate order forms required under section 4705 (e), or in the order forms or copies thereof referred to in section 4742 (d), except—

(1) as expressly provided in section 4773,

(2) for the purpose of enforcing any law of the United States relating to narcotic drugs or marihuana, or

(3) for the purpose of enforcing any law of any State or Territory of the District of Columbia, or any insular possession of the United States, or ordinance of any organized municipality therein, regulating the sale, prescribing, dispensing, dealing in, or distribution of narcotic drugs or marihuana,

shall be fined not more than \$2,000 or imprisoned not more than 5 years, or both.

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## CHAPTER 76—JUDICIAL PROCEEDINGS

\* \* \* \* \*

### Subchapter E—Miscellaneous Provisions

Sec. 7491. Burden of proof of exemptions in case of marihuana offenses.

Sec. 7492. Enforceability of cotton futures contracts.

Sec. 7493. Immunity of witnesses in cases relating to cotton futures.

Sec. 7494. *Special provisions relating to narcotic drugs and marihuana.*

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#### SEC. 7493. IMMUNITY OF WITNESSES IN CASES RELATING TO COTTON FUTURES.

No person whose evidence is deemed material by the officer prosecuting on behalf of the United States in any case brought under any provision of subchapter D of chapter 39 (relating to cotton futures) shall withhold his testimony because of complicity by him in any violation of subchapter D of chapter 39, or of any regulation made pursuant to such chapter, but any such person called by such officer who testifies in such case shall be exempt from prosecution for any offense to which his testimony relates.

#### SEC. 7494. SPECIAL PROVISIONS RELATING TO NARCOTIC DRUGS AND MARIHUANA.

(a) *IMMUNITY OF WITNESSES.*—Whenever in the judgment of a United States attorney the testimony of any witness, or the production of books, papers, or other evidence by any witness, in any case or proceeding before any grand jury or court of the United States involving any violation of—

(1) any provision of part I or part II of subchapter A of chapter 39 the penalty for which is provided in subsection (a) or (b) of section 7237,

(2) subsection (c) or (h) of section 2 of the Narcotic Drugs Import and Export Act, as amended (21 U. S. C., sec. 174), or

(3) the Act of July 11, 1941, as amended (21 U. S. C., sec. 184a),

is necessary to the public interest, he, upon the approval of the Attorney General, shall make application to the court that the witness shall be instructed to testify or produce evidence subject to the provisions of this subsection, and upon order of the court such witness shall not be excused from testifying or from producing books, papers, or other evidence on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no such witness shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor shall testimony so compelled be used as evidence in any criminal proceeding (except prosecution described in the next sentence) against him in any court. No witness shall be exempt under this subsection from prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion as provided in this subsection.

(b) **APPEAL FROM ORDER TO SUPPRESS EVIDENCE OR RETURN PROPERTY.**—In addition to any other right to appeal, the United States shall have the right to appeal from an order granting a motion for the return of seized property and to suppress evidence made before the trial of a person charged with a violation of—

(1) any provision of part I or part II of subchapter A of chapter 39 the penalty for which is provided in subsection (a) or (b) of section 7237,

(2) subsection (c) or (h) of section 2 of the Narcotic Drugs Import and Export Act, as amended (21 U. S. C., sec. 174), or

(3) the Act of July 11, 1941, as amended (21 U. S. C., sec. 184a). This subsection shall not apply with respect to any such motion unless the United States attorney shall certify, to the judge granting such motion, that the appeal is not taken for purposes of delay. Any appeal under this subsection shall be taken within 30 days after the date the order was entered and shall be diligently prosecuted.

## CHAPTER 78—DISCOVERY OF LIABILITY AND ENFORCEMENT OF TITLE

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### Subchapter A—Examination and Inspection

Sec. 7601. Canvass of districts for taxable persons and objects.

Sec. 7602. Examination of books and witnesses.

Sec. 7603. Service of summons.

Sec. 7604. Enforcement of summons.

Sec. 7605. Time and place of examination.

Sec. 7606. Entry of premises for examination of taxable objects.

Sec. 7607. *Special provisions relating to narcotic drugs and marihuana.*

Sec. [7607] 7608. Cross references.

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### SEC. 7606. ENTRY OF PREMISES FOR EXAMINATION OF TAXABLE OBJECTS.

(a) **ENTRY DURING DAY.**—The Secretary or his delegate may enter, in the daytime, any building or place where any articles or objects subject to tax are made, produced, or kept, so far as it may be necessary for the purpose of examining said articles or objects.

(b) **ENTRY AT NIGHT.**—When such premises are open at night, the Secretary or his delegate may enter them while so open, in the performance of his official duties.

(c) **PENALTIES.**—

For penalty for refusal to permit entry or examination, see section 7342.

**SEC. 7607. SPECIAL PROVISIONS RELATING TO NARCOTIC DRUGS AND MARIHUANA.**

(a) **POWERS OF BUREAU OF NARCOTICS.**—*The Commissioner, Deputy Commissioner, Assistant to the Commissioner, and agents, of the Bureau of Narcotics of the Department of the Treasury may—*

(1) *carry firearms, execute and serve search warrants and arrest warrants, and serve subpoenas and summonses issued under the authority of the United States, and*

(2) *make arrests without warrant for violations of any law of the United States relating to narcotic drugs (as defined in section 4731) or marihuana (as defined in section 4761) where the violation is committed in the presence of the person making the arrest or where such person has reasonable ground to believe that the person to be arrested has committed or is committing such violation.*

(b) **ISSUANCE OF SEARCH WARRANTS.**—*In any case involving a violation of any provision of part I or part II of subchapter A of chapter 39 the penalty for which is provided in subsection (a) or (b) of section 7237, a violation of subsection (c) or (h) of section 2 of the Narcotic Drugs Import and Export Act, as amended (21 U. S. C., sec. 174), or a violation of the Act of July 11, 1941, as amended (21 U. S. C., sec. 184a)—*

(1) *a search warrant may be served at any time of the day or night if the judge or the United States Commissioner issuing the warrant is satisfied that there is probable cause to believe that the grounds for the application exist, and*

(2) *a search warrant may be directed to any officer of the Metropolitan Police of the District of Columbia authorized to enforce or assist in enforcing a violation of any of such provisions.*

**SEC. [7607.] 7608. CROSS REFERENCES.**

(a) **INSPECTION OF BOOKS, PAPERS, RECORDS, OR OTHER DATA.**—

For inspection of books, papers, records, or other data in the case of—

(1) Wholesale dealers in oleomargarine, see section 4597.

(2) Wholesale dealers in process or renovated butter or adulterated butter, see section 4815 (b).

(3) Opium, opiates, and coca leaves, see sections 4702 (a), 4705, 4721, and 4773.

(4) Marihuana, see sections 4742, 4753 (b), and 4773.

(5) Wagering, see section 4423.

(b) **SEARCH WARRANTS.**—

For provisions relating to—

(1) Searches and seizures see Rule 41 of the Federal Rules of Criminal Procedure.

(2) Search warrants in connection with industrial alcohol, etc., see sections 5314 and 7302.

## Section 2 of the Narcotic Drugs Import and Export Act, as Amended

SEC. 2. (a) \* \* \*

\* \* \* \* \*

[(c) Whoever fraudulently or knowingly imports or brings any narcotic drug into the United States or any territory under its control or jurisdiction, contrary to law, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of any such narcotic drug after being imported or brought in, knowing the same to have been imported contrary to law, or conspires to commit any of such acts in violation of the laws of the United States, shall be fined not more than \$2,000 and imprisoned not less than two or more than five years. For a second offense, the offender shall be fined not more than \$2,000 and imprisoned not less than five or more than ten years. For a third or subsequent offense, the offender shall be fined not more than \$2,000 and imprisoned not less than ten or more than twenty years. Upon conviction for a second or subsequent offense, the imposition or execution of sentence shall not be suspended and probation shall not be granted. For the purpose of this subdivision, an offender shall be considered a second or subsequent offender, as the case may be, if he previously has been convicted of any offense the penalty for which is provided in this subdivision or in section 2557 (b) (1) of the Internal Revenue Code, or if he previously has been convicted of any offense the penalty for which was provided in section 9, chapter 1, of the Act of December 17, 1914 (38 Stat. 789), as amended; section 1, chapter 202 of the Act of May 26, 1922 (42 Stat. 596), as amended; section 12, chapter 553, of the Act of August 2, 1937 (50 Stat. 556), as amended; or sections 2557 (b) (1) or 2596 of the Internal Revenue Code enacted February 10, 1939 (ch. 2, 53 Stat. 274, 282), as amended. After conviction, but prior to pronouncement of sentence, the court shall be advised by the United States attorney whether the conviction is the offender's first or a subsequent offense. If it is not a first offense, the United States attorney shall file an information setting forth the prior convictions. The offender shall have the opportunity in open court to affirm or deny that he is identical with the person previously convicted. If he denies the identity, sentence shall be postponed for such time as to permit a trial before a jury on the sole issue of the offender's identity with the person previously convicted. If the offender is found by the jury to be the person previously convicted, or if he acknowledges that he is such person, he shall be sentenced as prescribed in this subdivision.]

[Whenever on trial for a violation of this subdivision the defendant is shown to have or to have had possession of the narcotic drug, such possession shall be deemed sufficient evidence to authorize conviction unless the defendant explains the possession to the satisfaction of the jury.]

(c) *Whoever fraudulently or knowingly imports or brings any narcotic drug into the United States or any territory under its control or jurisdiction, contrary to law, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of any such narcotic drug after being imported or brought in, knowing the same to have been imported or brought into the United States contrary to law, or*

conspires to commit any of such acts in violation of the laws of the United States, shall be imprisoned not less than five or more than twenty years and, in addition, may be fined not more than \$20,000. For a second or subsequent offense (as determined under section 7237 (c) of the Internal Revenue Code of 1954), the offender shall be imprisoned not less than ten or more than forty years and, in addition, may be fined not more than \$20,000.

Whenever on trial for a violation of this subsection the defendant is shown to have or to have had possession of the narcotic drug, such possession shall be deemed sufficient evidence to authorize conviction unless the defendant explains the possession to the satisfaction of the jury.

For provision relating to sentencing, probation, etc., see section 7237 (d) of the Internal Revenue Code of 1954.

\* \* \* \* \*

(h) Notwithstanding any other provision of law, whoever, knowingly, with intent to defraud the United States, imports or brings into the United States marihuana contrary to law, or smuggles or clandestinely introduces into the United States marihuana which should have been invoiced, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such marihuana after being imported or brought in, knowing the same to have been imported or brought into the the United States contrary to the law, or whoever conspires to do any of the foregoing acts, shall be imprisoned not less than five or more than twenty years and, in addition, may be fined not more than \$20,000. For a second or subsequent offense (as determined under section 7237 (c) of the Internal Revenue Code of 1954), the offenders shall be imprisoned for not less than ten or more than forty years and, in addition, may be fined not more than \$20,000.

Whenever on trial for a violation of this subsection, the defendant is shown to have or to have had the marihuana in his possession, such possession shall be deemed sufficient evidence to authorize conviction unless the defendant explains his possession to the satisfaction of the jury.

As used in this subsection, the term "marihuana" has the meaning given to such term by section 4761 of the Internal Revenue Code of 1954.

For provision relating to sentencing, probation, etc., see section 7237 (d) of the Internal Revenue Code of 1954.

## Section 1 of the Act of July 11, 1941 (21 U. S. C., sec. 184a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) whoever brings on board, or has in his possession or control on board, any vessel of the United States, while engaged on a foreign voyage, any narcotic drug not constituting a part of the cargo entered in the manifest or part of the ship stores, shall be [fined not more than \$5,000 or be imprisoned for not more than five years, or both] imprisoned not less than five or more than twenty years and, in addition, may be fined not more than \$20,000. For a second or subsequent offense (as determined under section 7237 (c) of the Internal Revenue Code of 1954), the offender shall be imprisoned not less than ten or more than forty years and, in addition, may be fined not more than \$20,000. For provision relating to sentencing, probation, etc., see section 7237 (d) of the Internal Revenue Code of 1954.

(b) As used in subsection (a) "narcotic drug" means any narcotic drug as now or hereafter defined by the Narcotic Drugs Import and Export Act, or any substance in respect of which a tax is imposed pursuant to [chapter 23 of the Internal Revenue Code, as amended], *subchapter A of chapter 39 of the Internal Revenue Code of 1954*, or pursuant to any regulations thereunder.

## V. APPENDIX

### A. STATISTICAL TABLES

TABLE 1.—Comparison of average sentences and cases reported before and after enactment of the Boggs Act

State	Average sentences (months)		Number of cases reported		Difference in 1954
	1950	1954	1950	1954	
Alabama.....	21.7	25.5	40	21	-19
Arizona.....	22.6	27.9	69	47	-22
Arkansas.....	21.5	18	28	8	-20
California.....	22.1	38.4	498	325	-173
Colorado.....	20.6	51	111	50	-61
Connecticut.....	14.6	54.3	25	19	-6
Delaware.....	2	42	17	0	-17
District of Columbia.....	44.5	57.1	10	77	+67
Florida.....	38.9	33.5	45	29	-16
Georgia.....	18	27.5	26	13	-13
Hawaii.....	36	60	21	47	+26
Idaho.....			2	1	-1
Illinois.....	21.3	32.7	431	115	-316
Indiana.....	18.5	30.3	46	33	-13
Iowa.....			14	2	-12
Kansas.....	16	36	9	5	-4
Kentucky.....	18.1	32.2	44	52	+8
Louisiana.....	24.5	30.6	230	28	-202
Maine.....			11	0	-11
Maryland.....	32.6	55.7	124	17	-107
Massachusetts.....	18	44	80	35	-45
Michigan.....	28.2	46.5	140	112	-28
Minnesota.....	10.8	54.6	35	5	-30
Mississippi.....	17.5	60	24	7	-17
Missouri.....	26.3	55.7	111	81	-30
Montana.....	12	39	14	0	-14
Nebraska.....		36	17	19	+2
Nevada.....	20	67.4	46	29	-17
New Hampshire.....			1	1	
New Jersey.....	27.6	36.9	302	50	-252
New Mexico.....	7.6	34.1	31	46	+15
New York.....	13.1	31	657	439	-218
North Carolina.....	20.7	38.2	52	40	-12
North Dakota.....					
Ohio.....	23.4	45.7	287	199	-88
Oklahoma.....	14.4	40.6	161	15	-146
Oregon.....	16	45	24	16	-8
Pennsylvania.....	20.3	34.6	183	89	-94
Rhode Island.....			15	6	-9
South Carolina.....	20.6	22.7	20	12	-8
South Dakota.....			0	1	+1
Tennessee.....	17.2	55.9	41	47	+6
Texas.....	17.1	67	669	244	-425
Utah.....	24	24	42	10	-32
Vermont.....			4	0	-4
Virginia.....	4	42	18	12	-6
Washington.....	21.9	41.1	108	65	-43
West Virginia.....		120	22	6	-16
Wisconsin.....	12	45	27	10	-17
Wyoming.....	12	22.5	5	4	-1
Total.....			4,937	2,489	-2,448

COMMENTS.—As compared with 1950, 41 States in 1954 showed a decrease of 2,573 reported cases, while 7 States showed an increase of 125 reported cases.

In 1950 the national average sentence for narcotic and marihuana violations was 19.4 months, while in 1954 the national average sentence was 41.9 months, an increase of 116 percent.

Source: U. S. Treasury Department, Bureau of Narcotics.

TABLE 2.—Average sentence of Federal prisoners received from courts on narcotics and marihuana charges, by judicial district, fiscal years ended June 30, 1950 to 1954

Judicial district	1954		1953		1952		1951		1950	
	Number	Average sentence (months)	Number	Average sentence (months)	Number	Average sentence (months)	Number	Average sentence (months)	Number	Average sentence (months)
Total	1,837	43.6	1,924	39.9	1,839	34.8	1,960	25.9	1,942	21.2
Alabama:										
Northern	4	51.0			5	30.0	7	14.6	9	31.0
Middle	5	22.2	6	21.5	9	23.2	7	27.9	5	24.0
Southern	2	30.0	1	42.0	3	34.0	7	26.6	5	28.8
Arizona	39	29.5	67	36.5	38	33.5	41	21.8	63	23.7
Arkansas:										
Eastern	2	36.0	3	26.0	3	16.0	6	28.0	7	19.7
Western	3	22.0	1	12.0	4	15.0	4	28.5	1	24.0
California:										
Northern	73	44.4	63	40.5	46	44.3	26	38.8	61	26.4
Southern	152	35.5	105	31.2	85	30.9	92	21.1	108	20.2
Colorado	38	47.7	27	43.6	36	19.3	46	16.9	33	22.5
Connecticut	15	49.1	5	48.0	5	22.2	20	14.2	7	18.4
Delaware	3	36.0	8	25.5					1	2.0
District of Columbia	225	72.0	258	60.1	98	58.0	77	47.2	65	36.5
Florida:										
Northern										
Southern	14	30.0	17	32.0	23	29.0	14	21.8	12	26.3
Georgia:										
Northern	4	25.5	8	27.8	14	32.6	7	24.0	4	24.0
Middle	3	20.0	4	24.0	5	14.4	2	18.0	2	15.0
Southern	1	24.0			1	24.0	5	24.0	3	36.0
Idaho										
Illinois:										
Northern	65	41.4	80	39.5	73	37.0	101	21.0	101	18.9
Eastern	12	31.0	9	33.3	18	31.6	17	35.6	7	17.0
Southern	5	25.8	2	24.0	3	76.0	4	15.3	5	13.6
Indiana:										
Northern	15	36.4	6	32.0	15	21.2	18	28.3	7	19.7
Southern	4	33.0	4	30.0	5	18.0	9	20.7	1	36.0
Iowa:										
Northern										
Southern										
Kansas	2	42.0	2	42.0	6	40.0	5	22.8	9	19.3
Kentucky:										
Eastern	18	30.7	17	37.4	10	36.0	9	18.7	8	14.5
Western	13	36.0	22	20.0	10	17.0	14	37.5	13	16.8
Louisiana:										
Eastern	27	29.5	61	44.4	55	32.0	75	23.0	167	25.5
Western	8	24.7	3	24.0	3	21.7	5	22.2	2	42.0
Maine			1	4.0	3	8.0	5	11.2	1	12.0
Maryland	4	52.5	6	59.8	3	1.7	13	35.6	19	31.2
Massachusetts	19	47.7	10	41.7	12	25.5	31	22.7	18	20.3
Michigan:										
Eastern	36	46.8	63	42.0	81	41.8	102	42.9	68	21.7
Western			6	45.0	1	24.0	2	18.0	3	30.0
Minnesota	12	56.3	16	42.8	13	42.6	9	22.1	11	17.5
Mississippi:										
Northern	2	60.0	1	24.0					3	18.0
Southern	2	36.0	9	48.0	3	36.7	5	22.6	4	16.5
Missouri:										
Eastern	17	61.1	25	45.1	20	63.6	53	43.3	25	21.0
Western	30	52.2	22	46.2	28	40.2	37	25.5	34	45.8
Montana	2	39.0			1	20.0	4	22.0	2	12.0
Nebraska	2	36.0	1	36.0	3	21.0				
Nevada	20	53.4	13	38.8	13	42.9	22	41.7	6	20.0
New Hampshire									1	10.0
New Jersey	28	37.5	43	34.1	36	36.6	50	41.4	28	25.6
New Mexico	22	37.7	16	30.0	38	24.8	14	12.7	10	7.4
New York:										
Northern					7	36.9	2	36.0	3	7.0
Eastern	18	29.4	7	27.0	20	24.5	25	21.8	35	20.3
Southern	179	35.1	139	30.2	162	34.3	151	22.8	168	16.7
Western	7	34.3	19	27.6	14	46.3	4	12.0	5	7.4
North Carolina:										
Eastern	5	44.4	5	45.0	4	37.5	9	11.7	13	27.6
Middle	9	21.0	2	21.0	5	27.0	9	15.4	5	28.2
Western	3	52.0	12	21.0	6	25.3	9	39.3	12	18.0
North Dakota					1	12.0				

*Average sentence of Federal prisoners received from court on narcotics and marihuana charges, by judicial district, fiscal years ended June 30, 1950 to 1954—Continued*

Judicial district	1954		1953		1952		1951		1950	
	Num- ber	Average sentence (months)	Num- ber	Average sentence (months)	Num- ber	Average sentence (months)	Num- ber	Average sentence (months)	Num- ber	Average sentence (months)
Ohio:										
Northern-----	52	42.5	46	34.9	89	35.0	51	31.5	69	26.7
Southern-----	50	41.1	85	39.8	33	33.5	77	22.3	103	17.6
Oklahoma:										
Northern-----	8	55.5	7	29.1	9	29.3	21	23.2	9	18.0
Eastern-----	1	9.0	1	24.0	3	48.0	1	36.0	4	13.5
Western-----	3	32.0	10	20.4	12	33.0	15	17.0	17	11.3
Oregon-----	12	48.3	11	26.7	6	26.0	4	22.5	6	30.7
Pennsylvania:										
Eastern-----	51	33.5	41	25.2	61	27.6	53	27.7	35	22.8
Middle-----	1	36.0			1	15.0	1	60.0		
Western-----	33	41.8	7	15.9	12	17.1	15	14.0	21	14.5
Rhode Island-----							1	12.0		
South Carolina:										
Eastern-----	6	30.6	1	24.0	2	13.5	2	15.0	7	18.3
Western-----	4	37.5	3	45.3	5	27.6	2	12.0	5	23.2
South Dakota-----					1	24.0				
Tennessee:										
Eastern-----	12	53.3	9	26.7	8	19.9	10	21.5	4	31.5
Middle-----	8	57.8	7	36.9	15	52.8	3	28.0	5	14.2
Western-----	16	46.2	10	28.2	17	36.6	9	34.0	7	17.1
Texas:										
Northern-----	81	44.6	85	36.9	100	32.2	100	27.7	66	20.2
Eastern-----	6	82.0	3	48.0	4	43.5	7	16.6	3	9.3
Southern-----	142	30.0	195	36.2	215	32.7	185	19.5	188	15.9
Western-----	118	46.1	152	42.6	123	31.7	172	19.0	149	18.3
Utah-----	3	16.0	3	36.0			2	16.5	4	23.3
Vermont-----					1	12.0			1	6.0
Virginia:										
Eastern-----	2	42.0	2	21.0	22	43.3	2	21.0	1	2.0
Western-----	1	24.0	1	15.0	3	34.0			1	4.0
Washington:										
Eastern-----	1	24.0	9	41.6	1	18.0	9	17.8	3	18.0
Western-----	48	50.7	31	46.6	31	39.9	39	18.6	47	18.2
West Virginia:										
Northern-----							1	48.0	1	60.0
Southern-----	1	120.0	1	120.0	4	39.0			2	7.0
Wisconsin:										
Eastern-----	3	32.0	4	38.3	10	42.7	1	12.0	1	12.0
Western-----	1	36.0	3	18.7	1	12.0	1	12.0	1	12.0
Wyoming-----	4	25.5	2	36.0	3	29.3	2	21.0	2	12.0

Source: Federal Bureau of Prisons.

TABLE 3.—Average narcotic sentences by Judicial Districts, 1947-54

District	Year	Total defendants	Convictions	Number of sentences imposed	Probation	Fine	1 day to 1 month	1 to 6 months	6 months to 1 year	1 year and 1 day	1 to 2 years	2 to 3 years	3 to 5 years	5 years and over	Average sentence imposed
															Months
Alabama, northern.....	1947	2	1	1							1				18
	1948	3	3	1	2					1					12
	1949	2	2	2					1					1	33
	1950	3	3	2	1						1		1		25.5
	1951	8	8	8						5	1	2			15.8
	1952	7	7	4	3						1		2	1	37.5
	1953	1	1		1										
	1954	1	1		1										
	1947	5	5	4	1								2	2	48
	1948	2	2	2							1		1		27
Alabama, middle.....	1949	3	3	3							2	1			19
	1950	4	4	4							1	3			24
	1951	6	6	5	1							3	2		28.8
	1952	11	8	6	2						2	2	1	1	29.5
	1953	5	4	4							2	2			20.3
	1954	4	4	4				1				2	1		24
	1947	3	3	1	2										24
	1948	2	2	1	1										24
	1950	2	2	2									2		36
	1951	1	1	1									1		36
Alabama, southern.....	1952	1			1										
	1953	1	1										1		42
	1954	1	1									1			30
	1947	20	12	10	2				2		2	2	4		26.1
	1948	7	6	5	1				1		1		3		27.6
	1949	19	14	12	2				2		3	3	4		23
	1950	39	35	31	4				2	1	8	8	7	5	31.4
	1951	16	15	9	6					2		3	3	1	29.3
	1952	11	11	10	1					1		3	4	2	44.4
	1953	45	39	29	10							17	4	8	37.7
Arkansas, eastern.....	1954	32	24	20	4				1		1	11	4	3	31.5
	1947	2	1	1									1		36
	1948	2	2	1		1				1					12
	1949	4	4	3	1					1				1	32
	1950	4	3	1	2							1			30
	1951	3	2		2										
	1952	2	2	1		1				1					12
	1953	2	2	2									2		36
	1954	1	1	1						1					12

TABLE 3.—Average narcotic sentences by Judicial Districts, 1947-54—Continued

District	Year	Total de- fend ants	Con- vic- tions	Number of sen- tences imposed	Proba- tion	Fine	1 day to 1 month	1 to 6 months	6 months to 1 year	1 year and 1 day	1 to 2 years	2 to 3 years	3 to 5 years	5 years and over	Average sentence imposed
															Months
Arkansas, western	1947	7	4		3	1				1	2				16
	1948	4	4	3	1										
	1949	3	2		2										
	1950	7	5	1	4										24
	1951	6	3		3										
	1952	2	2	1	1						1				18
	1953	2	2		1	1						1			
	1954	2	1									1			24
California, northern	1947	54	45	41	4			3	5	4	10	7	4	8	34.7
	1948	15	13	10	3					1	3	1	1	4	63
	1949	39	36	32	4			2	1	2	8	10	7	2	25.1
	1950	55	52	43	9			1	5	8	8	10	4	7	27.4
	1951	26	16	15	1			1		2	2	1	5	4	34.1
	1952	36	31	29	2				1	3	3	3	10	9	51.4
	1953	55	48	44	4				5		1	14	13	11	38.6
	1954	68	68	62	6				2		1	15	22	22	47.4
California, southern	1947	74	56	40	16			3	2	2	10	11	9	3	26.4
	1948	65	26	14	11	1		2	2		5	3	1	1	24.6
	1949	59	44	36	8				2	2	4	7	15	6	35.4
	1950	69	55	50	5				7	9	9	14	11		22.2
	1951	72	42	37	5				1	4	4	15	11	2	29.5
	1952	74	60	54	6			1	2	1	2	13	24	11	37.1
	1953	93	82	72	10					1		41	21	9	33.9
	1954	127	119	103	15	1		1				46	34	22	43.3
Colorado	1947	1	1	1								1			24
	1948	1													
	1949	3	2	2					1		1				15
	1950	11	11	6	5				1	2	1	2			16.5
	1951	2	2	2				1		1					8
	1952	2	2	1	1					1					12
	1953	2	2	1	1									1	120
	1954	2	2		2										
Connecticut	1947	17	16	3	11	2			1	2					10
	1948	8	6	3	2	1			1	1					25
	1949	6	5	3	2						1	1		1	34
	1950	5	5	4	1			1					2		23.3
	1951	13	13	9	4			2		3		1	3		20
	1952	2	2	2							1				39
	1953	5	5	4	1				1		1			1	46.5
	1954	15	14	13	1				1			3	3	6	54.3

Delaware.....	1947	1	1			1													
	1951	1																	
	1953	7	7	6	1								5	1				23	
	1954	2	2	2									2					24	
District of Columbia.....	1947	66	38	30	8					2	3	4	17	4				38.7	
	1948	36	27	22	3	2		1				2	16	3				49.7	
	1949	14		8	1						1		6	1				37.9	
	1950	57	47	39	8						1	9	5	16	8			39	
	1951	63	51	48	3						1	3	2	20	22			56.2	
	1952	90	78	74	4							4	6	30	34			61.7	
	1953	286	234	229	4	1			1		1	36	63	128				64.7	
	1954	220	193	190	3								57	128				70.3	
Florida, northern.....	1948	2	2		2														
	1949	1	1		1														
	1950	2																	
	1954																		
Florida, southern.....	1947	5	4	2	2						1	1						19.5	
	1948	9	8	6	2						2	4						21.5	
	1949	6	6	3	3		1			1		1						13.3	
	1950	7	5	3	2							1	1	1	1			44	
	1951	9	6	4	2			1				1	1	2				28.8	
	1952	12	11	5	6						1		2		2			37.2	
	1953	8	8	3	5							3						31.3	
	1954	15	13	3	10						1	1	1	1				40	
Georgia, northern.....	1947	6	6	4	2						2	2	2					21	
	1948	4	4	4							2	1	1		1			38.5	
	1949	10	10	5	5						2	1	2					28.5	
	1950	7	6	1	5					1								12	
	1951	7	7	7	7					2		3	2					25.7	
	1952	14	13	11	2					1		6	2	2	2			33.5	
	1953	7	7	4	3					1	1	1	1					22.5	
	1954																		
Georgia, middle.....	1948	1	1	1						1								12	
	1949	2	2	2	2						1	1	1					21	
	1951	1																	
	1952	2	1	1								1						24	
	1953	5	5	2	3							2						27	
	1954	1	1	1								1						24	
Georgia, southern.....	1947	2	2	2								2						24	
	1948	2	2		2														
	1949	1	1		1														
	195	3	3	3								2			1			36	
	1951	2	1	1											1			36	
	1952	1	1		1														
	1953	3	2		2														
Idaho.....	1947	9	8	6		1			1		4			1				18.5	
	1949	1	1	1											1			60	
	1954																		
Illinois, northern.....	1947	34	21	16	10			3	4	7		1	1					11.3	
	1948	36	23	11	12			1	2	5		2	1					14.3	
	1949	44	37	23	14			5		12		2	2		2			19.7	
	1950	89	76	65	11			4	6	30	3	14	2	6				20.5	

TABLE 3.—Average narcotic sentences by Judicial Districts, 1947-54—Continued

District	Year	Total de- fend- ants	Con- vic- tions	Number of sen- tences imposed	Proba- tion	Fine	1 day to 1 month	1 to 6 months	6 months to 1 year	1 year and 1 day	1 to 2 years	2 to 3 years	3 to 5 years	5 years and over	Average sentence imposed
<i>Months</i>															
Illinois, northern—Continued	1951	90	79	71	8	-----	-----	1	2	25	2	21	11	9	26.9
	1952	67	50	45	5	-----	-----	2	1	13	4	8	6	11	45.2
	1953	94	79	56	22	1	-----	-----	1	6	1	28	5	15	41.3
	1954	93	78	64	13	1	-----	1	-----	2	-----	25	17	19	43.6
	1947	5	4	2	2	-----	-----	-----	-----	-----	-----	2	-----	-----	24
Illino's, eastern-----	1948	7	7	3	4	-----	-----	-----	-----	2	-----	-----	-----	1	28
	1949	5	4	-----	1	3	-----	-----	-----	-----	-----	-----	-----	-----	-----
	1950	8	5	2	3	-----	-----	-----	-----	-----	-----	1	1	-----	30
	1951	12	12	11	-----	1	-----	-----	1	-----	-----	3	5	2	36
	1952	10	10	10	-----	-----	-----	-----	1	1	2	1	4	2	33.6
Illinois, southern-----	1953	3	2	1	1	-----	-----	-----	-----	-----	-----	-----	-----	1	60
	1954	5	5	4	1	-----	-----	-----	-----	-----	-----	1	3	-----	39
	1947	2	2	1	-----	1	-----	-----	1	-----	-----	-----	-----	-----	12
	1948	6	6	5	1	-----	-----	2	-----	-----	1	2	-----	-----	13.8
	1949	2	2	-----	2	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
Indiana, northern-----	1950	2	-----	-----	-----	-----	-----	-----	-----	1	-----	-----	-----	-----	18
	1951	3	2	2	-----	-----	-----	-----	-----	-----	-----	1	-----	-----	54
	1952	4	4	2	2	-----	-----	-----	-----	-----	-----	-----	-----	1	35
	1954	4	4	3	1	-----	-----	-----	-----	-----	1	-----	2	-----	-----
	1947	1	1	-----	1	-----	-----	-----	-----	-----	-----	-----	-----	-----	12
Indiana, southern-----	1949	2	2	2	-----	-----	-----	-----	-----	2	-----	-----	-----	-----	16
	1950	6	6	3	3	-----	-----	-----	-----	1	2	-----	-----	-----	30
	1951	16	16	13	3	-----	-----	-----	1	-----	1	7	4	-----	30
	1952	14	14	11	3	-----	-----	2	-----	-----	3	4	2	-----	13.8
	1953	2	2	1	1	-----	-----	1	-----	-----	-----	-----	-----	-----	12
Indiana, southern-----	1954	16	16	15	1	-----	-----	-----	-----	-----	-----	6	7	2	36.4
	1947	3	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
	1949	1	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
	1953	2	2	2	-----	-----	-----	-----	-----	-----	-----	1	-----	-----	30
	1954	3	3	3	-----	-----	-----	-----	-----	-----	-----	-----	3	-----	36
Kansas-----	1950	5	5	-----	5	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
	1951	3	3	2	1	-----	-----	-----	-----	1	-----	-----	1	-----	24
	1953	2	2	2	-----	-----	-----	-----	-----	-----	-----	1	-----	1	42
	1954	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
	1947	5	3	-----	3	-----	-----	-----	-----	2	-----	-----	1	-----	20
Kentucky, eastern-----	1948	4	3	2	1	-----	-----	-----	-----	-----	-----	-----	2	-----	36
	1949	3	3	1	2	-----	-----	-----	-----	-----	-----	-----	1	-----	36
	1950	2	2	2	-----	-----	-----	-----	-----	-----	-----	2	-----	-----	24
	1951	5	5	4	-----	1	-----	-----	-----	1	-----	3	-----	-----	21
	1952	3	1	-----	1	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
Kentucky, eastern-----	1953	3	1	1	-----	-----	-----	-----	-----	-----	-----	1	-----	-----	24
	1954	6	6	5	1	-----	-----	-----	-----	-----	4	-----	-----	1	38.4

Kentucky, western.....	1947	6	4	3	1							3			24
	1948	3	3	1	2								1		36
	1949	2	2	2									1	1	48
	1950	4	3	2	1					1			1		24
	1951	8	6	5	1									5	60
	1952	1	1	1						1					12
	1953	9	7	7								2	2	3	63.4
	1954	3	3	2	1							1	1		30
Louisiana, eastern.....	1947	6	6	3	3					2			1		20
	1948	12	11	10	1					2		3	2	3	25.2
	1949	45	40	38	2				1			12	16	8	26.3
	1950	98	90	89	1					3		30	41	14	26.1
	1951	48	31	28	3					3		14	5	6	24
	1952	37	35	28	7					1		5	13	3	35.5
	1953	30	23	19	4							6	5	8	54.9
	1954	16	15	12	3							10	1	1	33
Louisiana, western.....	1947	1	1	1								1			18
	1948	1	1			1									
	1950	1	1		1										
	1951	1	1										1		36
	1952	2		2						1		1			30
	1953	1	1	1									1		36
	1954														
Maine.....	1949	1	1		1										
	1950	1	1		1										
	1951	1	1			1									
	1954														
Maryland.....	1947	11	11	8	3			1				1	3	3	26.6
	1948	5	5	4	1					1			1	2	27
	1950	9	6	6						1			2	3	34
	1951	6	5	5								1		1	51
	1953	6	6	6										4	60
	1954	7	7	7									1		55.7
Massachusetts.....	1947	10	7	3	2	2						2	1		19
	1948	12	10	7	3					3		1		2	26.6
	1949	22	21	11	10		1	3		7					8.7
	1950	24	23	16	7					9		2	1	2	24
	1951	33	29	24	5			1		2		3	7	5	22.3
	1952	5	4	3	1								1		48
	1953	5	5	5									3		50.4
	1954	23	23	21	2				1				11	4	44
Michigan, eastern.....	1947	32	31	17	13	1				2		1	3	5	28.6
	1948	39	38	28	9	1		1		2		2	5	11	26.1
	1949	32	30	18	12					1		1	2	7	28.8
	1950	52	51	36	15					6		6	7	11	23.2
	1951	90	83	73	10			1		4		9	10	14	47.3
	1952	70	58	51	7					2		1	15	18	45.9
	1953	84	49	44	5						1	1	14	15	46.1
	1954	42	27	22	5								7	8	51.7
Michigan, western.....	1949	2	2											2	36
	1950	1	1											1	36
	1952	3		2	1							2			24



Nebraska	1947	1	1	1	1							1																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							
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TABLE 3.—Average narcotic sentences by Judicial Districts, 1947-54—Continued

District	Year	Total de- fend- ants	Con- vic- tions	Number of sen- tences imposed	Proba- tion	Fine	1 day to 1 month	1 to 6 months	6 months to 1 year	1 year and 1 day	1 to 2 years	2 to 3 years	3 to 5 years	5 years and over	Average sentence imposed
North Carolina, eastern.....	1947	7	6	2	4					2					<i>Months</i> 12
	1948	3	2	2					1	1					9
	1949	9	9	9					4	2			2	1	20
	1950	17	16	11	5				4	2			3	2	33.3
	1951	12	12	10	2				2	6	2				12.3
	1952	4	4	3	1						1		2		30
	1953	2	2	1	1						1				18
	1954	5	5	5								3	1	1	45.6
North Carolina, middle.....	1947	17	16	14	2					7	3		2	2	23.6
	1948	8	8	5	3					2	1	1	1		19.8
	1949	5	5	3	2						1	2			22
	1950	7	6	6							3		2	1	35.2
	1951	6	6	6						3	2				15.7
	1952	7	7	5	2						1				27
	1953	3	3	2	1						1	2	2		
	1954	10	9	9					1	1					21
North Carolina, western.....	1947	9	7	4	2	1				2	2	4	1		15
	1948	15	11	9	2					4	3				17.3
	1949	4	4	3	1				1	1		2			12
	1950	13	13	12	1				4	3	2		3		20
	1951	16	16	8	8					1	2	1	1	3	39
	1952	2	2	2						1		1			18
	1953	4	4	4						3	1				13.5
	1954	4	4	4						1			1	2	43
North Dakota.....	1952	1	1	1						1					12
	1954														
Ohio, northern.....	1947	14	11	7	3	1					5	1	1		21.4
	1948	19	18	18				1		2	9	3	3		19.6
	1949	15	14	12	1	1				4	5	3			17.7
	1950	27	26	24	2						2	9	11	2	34.2
	1951	38	38	31	1	6		1		2	6	4	15	3	35.3
	1952	84	78	76	1	1				3	13	23	29	8	34.5
	1953	47	44	37	6	1				1		22	3	11	39.4
	1954	52	47	44	3					1	21	12	10		42.3
Ohio, southern.....	1947	27	26	20	6			1		5		9	5		22.8
	1948	23	20	11	8	1				4	1	3	3		22.3
	1949	22	22	19	3			3	3	4		1	8		26.5
	1950	50	48	40	8				1	9		15	5	1	22.4
	1951	49	49	42	7				1	5	9	15	8	4	27.4
	1952	22	22	19	3					2	1	9	2	5	36.6
	1953	60	56	49	7				2	2		25	3	17	39.6
	1954	36	34	32	2							18	9	5	34.1

Oklahoma, eastern.....	1947	21	14	9	4	1					3	6		22
	1948	8	5	5							1	3		25.2
	1949	5	3	2	1			1		1				7
	1950	4	4	4						2	1		1	19.5
	1951	1	1		1									
	1953	4	1	1								1		24
Oklahoma, northern.....	1947	4	4	2		2					1		1	27
	1948	5	4	3	1							2	1	28
	1949	6	6	4	2				1		1		2	24.5
	1950	10	8	6	2					2	4			16
	1951	6	5	4	1							2	2	33
	1952	3	1	1									1	36
Oklahoma, western.....	1953	2	2	2								2		24
	1954	1	1	1									1	36
	1947	15	13	7	6				1	2	2	2		16.7
	1948	7	4	4						1	1	1	1	22.5
	1949	4	3		3									
	1950	6	4		4									
Pennsylvania, eastern.....	1951	5	3	1	2				1					12
	1952	7	7	6	1				1					42
	1953	6	6	3	3				1			1	3	20
	1954	3	1	1								1		24
	1947	12	10	7	2	1	1	1		4	1			9.6
	1948	8	6	2	4					2				12
Pennsylvania, middle.....	1949	2	2	2						2				12
	1950	34	34	33	1					1	3	29		23.5
	1951	28	27	26	1					2	3	3	18	32.6
	1952	52	46	45	1			2	1	8	3	10	20	27.3
	1953	52	48	45	3						1	34	7	27.9
	1954	36	33	32	1			1				21	6	34.3
Pennsylvania, western.....	1950	1	1		1									
	1951	2	2	1	1								1	60
	1947	16	14	6	8					2		2	2	24
	1948	6	5	4	1					1	2	1		18.5
	1949	8	4	2									2	42
	1950	4	3	1	2				1					12
Rhode Island.....	1951	13	11	6	5					1	1	1	2	19.5
	1952	17	10	9	1			1		1	1		2	22.4
	1953	10	8	4								3		19.5
	1954	43	41	33	8				1			15	10	48.9
	1947	1	1		1									
	1948	5	3	3				1		2				8.6
South Carolina, eastern.....	1952	5	5		5									
	1953	2	1		1									
	1954													
	1947	1	1	1							1			18
	1948	8	6	4	3					1			1	42
	1949	6	5	2	2						1			20
	1950	6	5								1	1		20.4
	1951	2	2	1	1					1		2		12

TABLE 3.—Average narcotic sentences by Judicial Districts, 1947-54—Continued

District	Year	Total defendants	Convictions	Number of sentences imposed	Probation	Fine	1 day to 1 month	1 to 6 months	6 months to 1 year	1 year and 1 day	1 to 2 years	2 to 3 years	3 to 5 years	5 years and over	Average sentence imposed
South Carolina, eastern—Continued															Months
	1955	1	1	1							1				15
	1953	1	1	1								1			24
	1954	8	6	6							1	3		2	39.5
South Carolina, western															17.2
	1947	8	7	4	3				2			1			
	1948	2	2		1										
	1949	4	4	3	1								3		40
	1950	27	22	7	14	1			2	1		2			20.
	1952	6	5	2	3								2		45
	1953	2	1	1										1	120
	1954	1	1		1										
South Dakota															24
	1952	1	1	1								1			
	1954														
Tennessee, eastern															36
	1947	1	1		1										
	1948	2	2	1	1								1		
	1949	4													
	1950	7	7	2	5								1	1	48
	1951	7	5	4	1							1	1		24
	1952	2	1	1	1					1					12
	1953	2		2						1			1		24
	1954	6	6	5	1									5	96
Tennessee, middle															28.5
	1947	1	1	1	1								1		36
	1948	4	4	4	4					1	1	1		1	28.5
	1949	2	1	1										1	60
	1950	4	2	2	2			1		1					7.5
	1951	3	1	1	1										60
	1952	12	10	10									1	7	56.4
	1953	1													
	1954	2	2	2	2									2	96
Tennessee, western															42
	1947	4	3	2	1										36
	1948	5	4	3	1								3		36
	1950	1	1	1							1				18
	1951	2	2	1	1									1	60
	1952	4	4		4										
	1953	3	3	3					3						12
	1954	2	2	2	2									2	60
Texas, eastern															36
	1947	1	1	1									1		
	1948	3	3		1	2									
	1950	3	2	1	1				1						6
	1951	2	2	2											24
	1952	1	1	1								2			36
	1953	2	2	1	1								1	1	60
	1954	11	7	2	5							1		1	42

Texas, northern.....	1947	34	30	27	3	1	2	1	8	3	11	1	18
	1948	6	6	2	3	1		1				1	66
	1949	20	19	14	4	1			7	1	4		20.8
	1950	17	16	13	3				2	5			24.9
	1951	33	33	25	7	1		1	4	3	7	9	46.8
	1952	32	30	27	3			1	3	8	5	8	39.1
	1953	40	37	30	7				6	8	4	10	57.3
	1954	39	31	24	6	1			1	13	1	9	48.5
Texas, southern.....	1947	38	28	24	4		1	4	3	11	2	1	19.1
	1948	15	9	9			1			3			21.6
	1949	22	21	21	2		2	4		15			14.1
	1950	40	36	34	2		1	3	1	18	8	3	19.4
	1951	44	35	33	2		1	2	2	11	7	3	27.5
	1952	82	69	67	1	1	2	2		12	18	21	35.2
	1953	70	51	46	5						14	22	44
	1954	39	35	32	3						15	7	41.1
Texas, western.....	1947	10	6								2		29.5
	1948	29	22	21	1		1	2					19.3
	1949	18	15	13	2		1			8	4	3	18.3
	1950	52	44	41	3		3	2	3	4	1		21.5
	1951	68	65	64	1		2	6	11	18	4		21.3
	1952	57	54	50	4		5	12	10	25	10	13	37.9
	1953	73	65	61	4		4	1	12	14	6	23	49.2
	1954	71	64	61	3					19	19	21	44.5
Utah.....	1947	1		1						1			24
	1948	2	2						2				18
	1949	3	3		1			2					12
	1951	1	1	1					1				15
	1953	1	1	1								1	60
	1954	2	1	1						1			24
Virginia, eastern.....	1947	5	5	4		1			4				15.7
	1948	6	6	2	4			1	1	1			15
	1949	5	5	2	2	1		1	1	1			18
	1950	1	1	1			1						4
	1951	4	3	1	1	1		1					12
	1952	18	16	16			1	2	1		10	2	44
	1953	2	2	2			1	1			1		21
	1954	4	4	1	3							1	60
Virginia, western.....	1948	5	5	4	1				1	2	1		27
	1949	2	2	1	1					1			24
	1950	4	4	1	3		1						4
	1952	3	3	2	1				1		1		33
	1953	2	2		1	1							
Washington, eastern.....	1947												24
	1949	1	1	1						1			18
	1950	1	1	1									42
	1951	2	2	2							2		30
	1953	1	1	1							1		
Washington, western.....	1947	26	23	17	6			1	2	10	1	3	21.1
	1948	18	14	11	3		2	4		3	2	1	18.1
	1949	28	26	23	3		2	5	4	9	1	1	17.2

TABLE 3.—Average narcotic sentences by Judicial Districts, 1947-54—Continued

District	Year	Total de- fend- ants	Con- vic- tions	Number of sen- tences imposed	Proba- tion	Fine	1 day to 1 month	1 to 6 months	6 months to 1 year	1 year and 1 day	1 to 2 years	2 to 3 years	3 to 5 years	5 years and over	Average sentence imposed
															<i>Months</i>
Washington, western—Continued	1950	45	41	31	10			1	5	2	15	4	4		18.7
	1951	24	21	18	2	1			2	1	6	8	1		21.4
	1952	24	21	20	1				2	1	1	5	3	8	48.7
	1953	20	19	14	5					1	1	3	4	5	58.5
	1954	45	43	37	6							12	16	9	53.3
West Virginia, northern.....	1949	1	1	1						1					12
West Virginia, southern.....	1954														
	1952	2	2	2									2		36
Wisconsin, eastern.....	1954														
	1947	3	3	2		1			1			1			16.5
	1949	5	3	1	2			1							4
	1950	3	2	1	1				1						12
	1951	4	3	3						1				2	104
Wisconsin, western.....	1952	14	8	7	1			1	2		1	3			15.1
	1953	9	6	4	2						1	2		1	38.2
	1954	2	2	1	1							1			24
	1947	2													
	1948	1	1	1					1						6
Wyoming.....	1950	1	1		1										
	1952	1	1	1					1						12
	1953	3	3	3				1	2						9.3
	1954	3	3	1	2								1		36
	1949	1													
Hawaii.....	1950	2	2			2									
	1951	2	2		1	1									
	1952	2	2	2								1			
	1953	2	2		2									1	42
	1954	1	1	1											
Puerto Rico.....	1950	7	5	3	2						1				18
	1951	22	21	17	3	1		1		7	2	1	1	1	48
	1952	31	24	21	3					2	1	6	11	1	18
	1953	37	30	28	2							4	13	11	31.7
	1954	24	19	14	5							2	3	9	55.5
Puerto Rico.....	1947	2	2	2									2		60
	1948	3	3	3									3		48
	1950	28	28	24	4						1	1	5	17	36
	1951	17	16	16								3	10	3	55.4
	1952	40	38	38							1	5	25	7	40.5
Puerto Rico.....	1953	12	11	8	3							1	5	2	45.8
	1954	3	3	2	1							1		1	42
															75

Source: Federal Bureau of Prisons.

TABLE 4.—Average marihuana sentences by Judicial Districts, 1947-54

District	Year	Total de- fend- ants	Con- vic- tions	Number of sen- tences imposed	Proba- tion	Fine	1 day to 1 month	1 to 6 months	6 months to 1 year	1 year and 1 day	1 to 2 years	2 to 3 years	3 to 5 years	5 years and over	Average sentence imposed
Alabama, middle.....	1947	3	3	3							2	1			Months 20
	1950	1	1	1							1				18
	1954														24
Alabama, northern.....	1947	1									1				6
	1948	1	1	1											8.3
	1954	1	1	1								1			12
Alabama, southern.....	1947	4	3	1	2				1						21
	1948	3	3		3										34
	1949	4	4	3	1			1		2					24
	1950	2	2	1	1					1					12
	1951	4	4	4							2	2			21
	1952	4	3	3						1			2		34
	1954	1	1	1											24
Arizona.....	1947	18	13	11	2				5		2	1	2	1	21.5
	1948	18	13	10	3				3	1	4	1	1		16.3
	1949	27	24	20	4			1	9	1	4	3	2		16.1
	1950	26	20	19	1			2	8	4	2	2	1		13.9
	1951	30	25	18	7			1	1	1	9	4	2		19.8
	1952	34	34	25	9				9		1	7	2	6	33
	1953	49	39	33	6							21	8	4	33.3
	1954	37	29	18	11				2		1	14		1	24.3
Arkansas, eastern.....	1949	2	2	2						2					12
	1950	4	4	3		1				2		1			16
	1951	3	3	3						1		1		1	32
	1952	1	1	1						1					12
	1953	3	3	1	2				1	1					6
	1954														
Arkansas, western.....	1949	1	1	1									1		48
	1951	1	1	1								1			24
	1952	4	1	1						1					12
	1953	3	3	1	2					1					12
	1954														
California, northern.....	1947	8	8	6	2				2	2	1		1		16
	1948	15	13	10	3			1	4	2	2	1		2	28.2
	1949	23	21	13	8			2	2	6	1	1	1		14.1
	1950	14	12	10	2				5	1		1	2	1	22.3
	1951	11	11	9	2						1		5	3	42
	1952	22	20	14	6							8	5	1	32.1
	1953	13	13	11	2						1	5	5		31.6
	1954	17	15	9	6				1	1		4	1	2	30.7

TABLE 4.—Average marihuana sentences by Judicial Districts, 1947-54—Continued

District	Year	Total de- fend- ants	Con- vic- tions	Number of sen- tences imposed	Proba- tion	Fine	1 day to 1 month	1 to 6 months	6 months to 1 year	1 year and 1 day	1 to 2 years	2 to 3 years	3 to 5 years	5 years and over	Average sentence imposed
California, southern.....	1947	66	57	33	24			13	6	4	2	2	4	2	Months
	1948	53	38	18	19	1		5	4	3	1	3	2		16.6
	1949	46	32	19	12	1		3	2	4	3	1	6		13.5
	1950	70	63	50	12	1		7	12	8	8	8	7		19.7
	1951	60	39	34	4	1		7	5	5	10	3	4		16.8
	1952	40	35	31	4			2	7	6	3	6	7		15.1
	1953	41	37	27	10							19	8		19.6
	1954	77	66	46	17	3			4		1	24	10	7	30
	1947	14	14	12	2				2		5	3	2		32.5
	1948	21	18	16	2				5		2	4	4	1	22.8
Colorado.....	1949	26	25	20	5			1	5	2	9	1	2		25.4
	1950	35	33	21	12			6	1	2	4	2	2		16.4
	1951	40	38	33	5			5	1	10	10	4	2	1	24.5
	1952	31	31	25	6			1	2	8	2	11	1	1	17
	1953	35	29	24	5							13	1	10	19.1
	1954	41	38	30	8							12	6	12	42
	1948	1	1		1										51
	1949	10	10	4	6					3			1		18
	1950	3	3	1	1	1		1							3
	1951	6	6	5	1			1	1	2	1				10
Delaware.....	1952	2	1		1										
	1954	3	3		3										
	1949	2	2	2					2						6
	1950	2	2	1				1							2
	1953	4	3	3								2	1		28
	1954	1	1	1										1	60
	1947	13	9	7	2					1	2		3	1	32.1
	1948	10	8	7	1			1					4		28.7
	1949	12	8	7					1	2	4			1	21.9
	1950	23	22	17	5			1				1	11	4	50.1
District of Columbia.....	1951	16	10	9	1						2	1	2	4	49
	1952	27	18	16	2						1	2	4	8	54.8
	1953	12	11	11									3	8	90.5
	1954	12	12	11	1				1			1	5	4	43.9
	1947	3	3	2	1					1		1			18
	1948	10	10	4	6			1			1		2		23
	1949	5	5	5							2	1		1	31.2
	1950	19	19	7	12						2	2	3		33.9
	1951	8	8	5	3			1	3				1		15.6
	1952	19	19	16	3			1	2	1	1	7		1	25.6
Florida, southern.....	1953	13	12	8	4							5		1	32.2

Georgia, middle.....	1954	7	1	1	1							1		27
	1948	1	1	1				1						4
Georgia, northern.....	1954													
	1950	1	1	1					1					12
	1952	1	1		1									
	1953	3	3	3							3			24
Georgia, southern.....	1954	1	1	1							1			30
	1947	1	1		1									
	1948	2	2	1	1			1						12
	1951	7	5	3	2				2		1			16
	1952	3	3		3									
Idaho.....	1954													
	1949	4	4	2	2						2			24
Illinois, eastern.....	1954													
	1947	1	1	1				1						3
	1949	7	7	3	4				1		2			18
	1950	3	3	2	1			1		1				7
	1951	6	5	3	2					1		1	1	42
	1952	10	10	5	5			2				2	1	30
	1953	7	7	4	3						4			24
	1954	9	8	5	3						3	2		28.8
Illinois, northern.....	1947	19	17	11	6			5	1	5				7
	1948	27	24	17	7			7		7	1	1		10
	1949	56	46	34	11	1	3	6	3	15	2	3	2	11.5
	1950	54	49	37	12			11	4	17	2	3		9.6
	1951	22	20	17	3			2		9	1	4	1	15.3
	1952	24	22	15	7			3	2	3		4	1	22.1
	1953	41	36	18	18			2		1		13	2	31.5
	1954	23	18	8	10					1		5	2	26.3
Illinois, southern.....	1947	1	1	1				1						1
	1948	2						2						3.5
	1949	3	3	2	1			1			1			8
	1950	3	2	1	1								1	36
	1951	1	1	1				1						1
	1952	1	4	1	2	1							1	120
	1954	1	1	1	2						1			24
Indiana, northern.....	1947	5	5	2	3			1	1			1		3.5
	1948	5	2	2							1	1		21
	1949	2	2		2									
	1950	2	2	2	2						1	1		21
	1951	1	1		1									
	1953	6	6	3	3			1				1	1	32.3
	1954	4	3	1	2						1			24
Indiana, southern.....	1947	6	6	2		4		2						3
	1949	2	2	2				1	1					4
	1951	1	1	1								1		36
	1953	3	2	1	1							1		24
Iowa, southern.....	1954													
	1953	2												

TABLE 4.—Average marihuana sentences by Judicial Districts, 1947-54—Continued

District	Year	Total de- fend- ants	Con- vic- tions	Number of sen- tences imposed	Proba- tion	Fine	1 day to 1 month	1 to 6 months	6 months to 1 year	1 year and 1 day	1 to 2 years	2 to 3 years	3 to 5 years	5 years and over	Average sentence imposed
<i>Months</i>															
Kansas.....	1947	1	1	1				1							2
	1948	2	2	1	1			1							2
	1949	6	6	6				1		3		2			14.5
	1950	3	3	3						2		1			16
	1951	3	2	2								2			24
	1952	4	4	4									2	2	48
	1953	1	1	1							1				18
Kentucky, eastern.....	1954	3	3	3								2		1	36
	1947	14	14	10	4			2	7	1					8.9
	1948	9	5	4	1			1		2				1	21.2
	1949	13	13	13					3	5		2		3	23.5
	1950	5	5	3	2			1		2					8.7
	1951	7	5	4	1					3		1			15
	1952	11	9	9						4				5	38.7
Kentucky, western.....	1953	21	17	17						1		9	3	4	37.4
	1954	12	12	11	1							8	2	1	29.5
	1947	4	4	3	1					3					12
	1948	8	8	5	3					3		2			16.8
	1949	6	4	4						1		1	2		33
	1950	16	14	7	7			1		4		1	1		15.7
	1951	6	5	4	1				1	1	1	1			15.8
Louisiana, eastern.....	1952	7	7	5	2						1	4			22.2
	1953	18	18	15	3							9	2	4	44
	1954	16	15	10	5							8		2	31.2
	1947	40	39	34	5					1	15	9	7	2	27.7
	1948	19	17	13	4					4	5	1	3		21.2
	1949	31	30	26	4				3	3	11	6	3		19.7
	1950	93	90	73	17			1	2	7	32	18	13		23
Louisiana, western.....	1951	55	39	33	6			2	1	6	14	4	5	1	21.8
	1952	30	29	26	3				1	2	1	14	7	1	28
	1953	51	46	41	5			1				25	5	10	39.8
	1954	15	11	6	5							5		1	31
	1949	3	3	2	1				2						6
	1951	3	3	3				1			2				13
	1953	3	3	2	1						1		1		27
Maine.....	1954	7	7	7								6			25.7
	1949	3	3		3										
	1952	2	2	2					2						6
	1953	1	1	1				1							4

Maryland.....	1947	4	4	2	1	1							2		36	
	1948	1	1	1								1			30	
	1949	6	6	4	2				1	1	1	2			19.5	
	1950	16	15	13	2		1	2			4	6			31.2	
	1951	4	4					1				3			36	
	1952	3	3	3			1	2							1.5	
	1953	1	1		1											
	1954	1														
	Massachusetts.....	1947	8	8		5	3									
		1948	11	10	4	6						1				13.5
1949		6	5	4	1		1	2	2		1				6.2	
1950		6	5	2	3			1			1				12	
1951		4	4		4											
1952		3	3	2	1					1		1			18	
1953		1	1		1											
1954		2	2		2											
Michigan, eastern.....		1947	19	16	12	4				1		2	5	2	2	30
		1948	64	62	43	19		9	6	6	10	3	8		1	17.7
	1949	42	40	26	14		1	8	2	5	6	3		1	21.6	
	1950	54	50	28	22		1	5	5	11	4			2	17.9	
	1951	34	33	20	13		2	1	1		4	6	1	5	37	
	1952	27	24	15	9			1			3	3	6	2	35.1	
	1953	21	17	15	2		1					6	3	5	43.5	
	1954	17	10	8	2							4	1	3	41.3	
	Michigan, western.....	1949	2	2	2					1			1			21
		1950	2	1	1								1			36
1953		1	1		1											
1954																
Minnesota.....	1947	1	1	1					1						8	
	1949	5	5	3	2				1	1					12	
	1950	6	6	5	1		2	1			2				10.8	
	1951	1	1	1				1							7	
	1952	7	6	6				1								
	1953	5	5	5	5				1	1		1	2	2	38.3	
	1954	7	5	5								1	1		40.8	
	1949	3	3	2	1						1	1		3	61.2	
	1950	2	1		1						1	1			19.5	
	1952	1	1	1												
Mississippi, southern.....	1953	2	2	1	1									1	60	
	1954										1				24	
	1947	10	9	6	2	1			1			2	2		23.6	
	1948	8	8	2	5	1			1	1		1			18	
	1949	12	12	8	4		3		1	2		2			10.6	
	1950	17	17	7	10		1			4	1				13.8	
	1951	22	22	12	9	1		1		1	2	4	1	3	33.3	
	1952	16	13	9	4							4	1	4	47.3	
	1953	4	4	2	2						1				36	
	1954	3	3	2	1							1		1	60	
Missouri, western.....	1947	4	4		4											
	1948	6	6	2	4			1		1					7.5	
	1949	18	18	8	10		2				2	2	1		16.3	
	1950	16	16	15	1			1	1		2	11			21.4	

TABLE 4.—Average marihuana sentences by Judicial Districts, 1947-54—Continued

District	Year	Total de- fend ants	Con vic tions	Number of sen tences imposed	Proba tion	Fine	1 day to 1 month	1 to 6 months	6 months to 1 year	1 year and 1 day	1 to 2 years	2 to 3 years	3 to 5 years	5 years and over	Average sentence imposed
Missouri, western—Continued															Months
	1951	12	11	9	2				4	2	3				11.7
	1952	14	12	11	1					1			4		52.4
	1953	8	8	6	2							5		1	33
	1954	10	9	9								3	2	4	50.7
Montana	1948	1	1	1					1						12
	1950	4	3	2	1				1						12
	1951	3	2	2							1	1			22
	1952	3	3	1	2										20
	1954	2	2	2						1				1	39
Nebraska	1947	1	1	1						1					12
	1952	8	8	5	3					1		2	2		26.4
	1953	1	1	1									1		36
Nevada	1947	5	5	3	2					3					12
	1949	3	3	3						3					12
	1950	3	3	3					2				1		20
	1951	6	5	5							2			2	48
	1952	6	5	4									4		48
	1953	17	12	11	1						1	3	7		37.6
	1954	19	16	15	1							2	8	5	44.8
New Jersey	1947	31	30	20	10			6	4	1		2	5	2	20.1
	1948	24	22	7	15			1		1		2	1		17.4
	1949	38	36	16	20			5	5	4			2		10.4
	1950	35	27	16	11			1	5	4			4	2	25.3
	1951	39	27	18	9				2			5	2	9	44.5
	1952	21	18	9	9				3		1	3	1	1	25.7
	1953	12	11	8	3					1		4	2	1	38.3
	1954	14	12	7	4		1					4	2	1	38.6
New Mexico	1947	4	4	2		2		2							3.5
	1949	9	9	7	2			1	3	2		1			11.6
	1950	12	9	9				4	2	2	1				7.6
	1951	23	21	14	7			4	4	2	1	1	2		12.7
	1952	38	34	34					7		2	20	4	1	24.2
	1953	22	17	15	2							6	9		31.2
	1954	27	21	17	4							13	4		28.2
New York eastern	1947	19	17	16	1			3	8	2	3				8.6
	1948	12	12	12				3	3	2	3	1			11.4
	1949	8	7	6	1				4	1	1				10
	1950	17	16	15	1				4	4	4	2	1		16.4
	1951	7	7	7				2	4	1					5.7
	1952	8	7	4	3					1		1	2		33

	1953	2	2	2				1			1				10.5
New York, northern.....	1954	8	8	7	1			1			3	2	1		30
	1947	2	2	1	1						1				24
	1948	1	1	1				1							6
	1949	2	2		2										
	1950	3	3	1	2			1							3
New York, southern.....	1954														
	1947	112	107	40	65	2		8	7	15	3	4	1	2	13.9
	1948	87	76	34	39	3		10	7	11	4	2			9.7
	1949	98	81	42	39			3	6	14	7	5	2		18.2
	1950	59	56	36	20		1	7	8	11	4	4	1		11.4
	1951	43	42	32	10			3	5	4	2	6	5		33.4
	1952	32	27	21	6			1		1	2	8	5	4	35.4
	1953	43	39	21	18				2	3	1	12	4	2	29.4
	1954	70	54	28	26			3	3		11	3	9		39.9
New York, western.....	1947	17	14	10	4			6	9	1	1				4.5
	1948	27	22	18	4			6		1	1				7.8
	1949	6	5		5										
	1950	10	1	1	1				1						12
	1951	3	1	1	1				1						6
	1953	3	3	1	2						1				24
	1954	1	1	1					1						12
North Carolina, eastern.....	1949	1	1	1	1										
	1950	3	3	1	2					1					12
	1951	2	2		2										
	1953	2	2	1	1						1				24
	1954	1	1		1										
North Carolina, western.....	1950	1	1		1										
	1951	3	2		2								2		42
	1952	3	2	2		1									
	1953	1	1												
	1954	1			1										
Ohio, northern.....	1947	10	10	7	3			1	1		3	1	1		17.7
	1948	8	8	8				1			6	1			14.9
	1949	23	21	20	1			1		6	9	2	2		17.1
	1950	24	23	22	1					5	6	4	6	1	26.4
	1951	7	7	6	1					1	3	1	1	1	37.7
	1952	11	11	11							1	1	8	1	39.7
	1953	8	8	8					3		3	2	2		22.5
	1954	6	6	6							2	2	2	2	44
Ohio, southern.....	1947	26	26	23	3			1		7	4	7	3	1	22.3
	1948	26	23	20	3			2	2		3	10	3		20.6
	1949	28	28	24	4			6	6	5	3	2	2		11.8
	1950	48	46	35	11			13	9	6	2	3	2		10.6
	1951	33	32	20	12			5	2	5	3	4		1	15
	1952	10	9	6	3				1			2	1	1	28
	1953	28	28	23	5					1		10	4	9	48
	1954	18	16	13	3						6	2	5		62.7
Oklahoma, eastern.....	1947	1	1	1							1				15
	1948	1	1	1								1			24
	1949	1													
	1950	1	1			1									45

TABLE 4.—Average marihuana sentences by Judicial Districts, 1947-54—Continued

District	Year	Total de- fend- ants	Con- vic- tions	Number of sen- tences imposed	Proba- tion	Fine	1 day to 1 month	1 to 6 months	6 months to 1 year	1 year and 1 day	1 to 2 years	2 to 3 years	3 to 5 years	5 years and over	Average sentence imposed
Oklahoma, eastern—Continued	1952	4	3	3									3		Months 48
	1953	1	1		1										
Oklahoma, northern	1947	3	1	1						1					12
	1948	3	2	2						1					15
	1949	3	2	1	1					1	1				18
	1950	2													
	1951	8	8	5	3					2	2	1			16.8
	1952	4	3	3								1	1		40
	1953	3	3	3								3		1	24
Oklahoma, western	1954	7	6	5	1							1	2	2	69.6
	1947	7	6	6				1	1	2			2		21
	1948	21	14	8	6					7				1	23.3
	1949	13	8	7	1			2	2	2				1	15.1
	1950	21	14	7	7			4	4	3					11.1
	1951	18	12	9	3			2	1		5			1	17.6
	1952	5	5	4	1							1	3		33
	1953	10	1		1										
Oregon	1954	4	2	2								1	1		33
	1947	2	1	1						1					12
	1948	3	2	2							2				15
	1949	5	4	2	2				2						12
	1950	1	1	1							1				16
	1951	1	1	1				1							3
	1953	4	4	4								3		1	48
Pennsylvania, eastern	1954	8	7	4	3							1	1	2	45
	1947	7	7	5	2			1	1	1	1		1		15
	1948	3	3	1	1	1			1						6
	1949	3	3	2	1				1			1			16.5
	1950	6	6	4	1	1				1		2		1	30
	1951	2	2	1	1						1				18
	1952	11	11	11					2	1		3	5		26.7
	1953	17	16	12	4				1			9	2		26.5
Pennsylvania, middle	1954	6	5	5								4	1		27.6
	1951	2	1		1										
	1952	1													
Pennsylvania, western	1954														
	1947	18	17	7	10				2	1	1	1	2		19.7
	1948	19	12	4	8			2	1	1					6.7
	1949	29	17	7	9	1		3	1	2	1				7.6
	1950	17	16	10	6			2	3	1		2	2		16.1

	1951		6	4	1	1	2	1		1		8.7
	1952		1	1			1					3
	1953		1	1			1					2
	1954											24
South Carolina, eastern	1947	1	1	1						1		
	1948	1										6
	1954	1	1	1				1				12
Tennessee, eastern	1954	1	1	1					1			60
Tennessee, middle	1948	3	1	1							1	8
	1950	1	1	1				1				30
	1953	2	2	2						1	1	47
	1954	7	6	6						2	2	3
Tennessee, western	1947	2	2	1	1		1					12
	1949	1	1	1					1			12
	1950	4	4	3	1			1		1		29.1
	1951	7	7	7					3		3	33.6
	1952	10	10	10					2	1	1	33.6
	1953	7	7	5	2			1		1	2	24.9
	1954	8	8	7		1		1		4	2	18
Texas, eastern	1948	1	1	1						1		3
	1949	5	5	1	4		1					13.7
	1950	1	1	1	1					3		18
	1951	5	5	4	1		1			1		40
	1952	1	1	1								240
	1953	9	8	3	5					1	1	42
	1954	1	1	2								19.1
Texas, northern	1947	14	10	8						1		16
	1948	19	16	6	10			1		2	2	17.5
	1949	34	32	14	18			2		10	1	20.1
	1950	79	72	43	26	3		1	11	1	21	29.6
	1951	92	83	70	12	1		1	13	1	23	34.2
	1952	95	83	69	14				4		19	47.6
	1953	81	71	53	16	2				2		12.5
	1954	91	69	58	11					28	7	18
Texas, southern	1947	128	115	105	10		5	19	26	42		14.8
	1948	164	142	138	4		2	24	31	37	21	15.1
	1949	181	160	152	8			25	45	45	19	17.8
	1950	198	163	138	25	4		32	16	54	17	33.3
	1951	216	185	154	28	3		7	52	1	48	35.7
	1952	177	151	120	29	2		3	6	1	12	28.3
	1953	192	162	134	27	1		3	13		60	18.2
	1954	177	147	107	36	4		13	16		3	18.4
Texas, western	1947	177	172	168	4			32	28	7	35	16.5
	1948	141	132	115	15	2		18	14	19	23	16.7
	1949	124	117	108	9			21	18	24	19	30
	1950	140	115	103	12			15	10	22	19	38.6
	1951	113	102	87	5		1	15	11	16	17	46.8
	1952	68	61	57	4			2	2		6	1
	1953	136	119	90	24	5		3	2		1	8
	1954	92	81	50	30	1		2		1		19

TABLE 4.—Average marihuana sentences by Judicial Districts, 1947-54—Continued

District	Year	Total defend- ants	Con- victions	Number of sen- tences imposed	Proba- tion	Fine	1 day to 1 month	1 to 6 months	6 months to 1 year	1 year and 1 day	1 to 2 years	2 to 3 years	3 to 5 years	5 years and over	Average sentence imposed
															Months
Utah.....	1948	1	1	1			1								1
	1949	2	1			1									
	1950	5	4	2	2							2			24
	1951	1	1		1										
	1953	8	8	2	6						1			1	39
Virginia, eastern.....	1954														
	1948	1	1		1										
	1949	1	1			1									
	1951	2	2	1	1							1			30
	1952	12	6	5	1						1	1		1	37.2
Washington, eastern.....	1953	1	1	1									1		36
	1954	1	1	1								1			24
	1948	5	4	4				1		1	2				12.5
	1949	14	13	11	2			2	3	1	4	1			12.2
	1951	7	7	7				3	1		2	1			10.9
Washington, western.....	1952	2	2		2										
	1953	9	8	8								4		2	43.1
	1954	1	1	1								1			24
	1947	15	15	10	5			2	6		2				8.9
	1948	18	14	12	2			1	6		4	1			14.7
West Virginia, northern.....	1949	3	3	1	2				1						12
	1950	9	7	4	3					2			1		25.5
	1951	15	13	8	4	1	1	2	2		3		1		9.9
	1952	19	19	10	9						2	5	1	2	48
	1953	24	19	14	5				1			7	5	1	33.6
West Virginia, southern.....	1954	13	12	7	5							4		1	24
	1951	2	1	1											48
Wisconsin, eastern.....	1954														
	1952	2	2	2										2	42
Wyoming.....	1954	1	1	1										1	120
	1947	1	1	1					1						6
	1951	2	1	1						1					12
	1952	2	2	1	1							1			24
	1953	3	3	1	2				1						9
Alaska, 1st.....	1954	2	2	1	1									1	60
	1950	2	2	2	2				1		1				12
	1951	3	3	3	3				1		1	1			18
	1952	3	3	1	2				1						4
	1953	2	2	2									1	1	36
Alaska, 2nd.....	1954	4	4	2	2										27
	1954	1	1	1								1			30

Hawaii-----	1947	2	2	-----	-----	2	-----	-----	-----	1	-----	-----	-----	12
	1949	4	4	1	2	1	-----	-----	-----	-----	-----	-----	-----	24
	1950	4	3	2	1	-----	-----	-----	-----	-----	1	-----	-----	24
	1951	6	6	3	3	-----	-----	-----	-----	-----	-----	-----	-----	-----
	1952	3	3	-----	3	-----	-----	-----	-----	-----	11	7	4	34.9
Puerto Rico-----	1953	40	36	22	13	1	-----	-----	-----	-----	-----	-----	1	60
	1954	9	6	1	4	1	-----	-----	-----	-----	1	-----	2	39.6
	1947	5	5	5	-----	-----	-----	-----	-----	-----	-----	5	1	24.9
	1948	14	13	11	2	-----	-----	3	-----	-----	-----	-----	-----	38.1
	1949	18	17	16	1	-----	-----	-----	2	-----	-----	3	5	48.4
	1950	56	50	49	1	-----	1	-----	-----	1	-----	10	11	38.4
	1951	50	42	40	2	-----	-----	-----	-----	1	1	10	25	50.3
	1952	21	18	18	-----	-----	-----	-----	-----	-----	1	10	7	55.4
	1953	14	10	7	-----	3	-----	-----	-----	-----	-----	2	2	38.4
	1954	9	8	5	3	-----	-----	-----	-----	-----	-----	-----	-----	-----

Source: Federal Bureau of Prisons.

B. REPORT TO THE HOUSE COMMITTEE ON WAYS AND MEANS FROM  
THE SUBCOMMITTEE ON NARCOTICS

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LETTER OF TRANSMITTAL

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WASHINGTON, D. C., May 10, 1956.

HON. JERE COOPER,

*Chairman, Committee on Ways and Means,  
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: There is transmitted herewith a report of the Subcommittee on Narcotics on the subject of the illicit traffic in narcotics, barbiturates, and amphetamines in the United States.

At the close of the 1st session of the 84th Congress, the Committee on Ways and Means directed the appointment of a subcommittee for the purpose of making an investigation and study of illicit trafficking in the aforementioned drugs with particular attention to be paid to a study of the effect of the so-called Boggs law, Public Law 255 of the 82d Congress, on the illicit narcotic traffic.

A subcommittee of seven members was named, of which I have the honor to serve as chairman. The other members of the subcommittee are Hon. Frank M. Karsten, Hon. Eugene J. McCarthy, Hon. Frank Ikard, Hon. John W. Byrnes, Hon. Antoni N. Sadlak, and Hon. Howard H. Baker.

The subcommittee has held 15 days of public hearings in Washington, D. C.; Lexington, Ky.; New York, N. Y.; San Francisco, Calif.; Seattle, Wash.; and Chicago, Ill. In addition the subcommittee has met several times in executive session to carefully consider the results of its investigation and to formulate its recommendations to the Committee on Ways and Means.

In its investigation and study the subcommittee has received the cooperation of the Departments of the Treasury, Defense, Justice, and Health, Education, and Welfare. The staff of the Bureau of Narcotics has been particularly helpful to the subcommittee in its work. In addition the officials from the various State and local bureaus and agencies concerned with drug law administration and enforcement assisted your subcommittee.

The subcommittee's report contains 41 recommendations for the improvement of the administration and enforcement of the Federal, State, and local laws applicable to narcotics, barbiturates, and amphetamines.

The subcommittee is unanimous in making this report and urging its prompt consideration by the Committee on Ways and Means.

HALE BOGGS,  
*Chairman, Subcommittee on Narcotics.*

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# ILLICIT TRAFFIC IN NARCOTICS, BARBITURATES, AND AMPHETAMINES IN THE UNITED STATES

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## I. INTRODUCTORY STATEMENT

This report is based on a study of illicit trafficking in narcotics, barbiturates, and amphetamines made by the Subcommittee on Narcotics of the Committee on Ways and Means of the United States House of Representatives. This subcommittee conducted 15 days of public hearings in Washington, D. C.; Lexington, Ky.; New York, N. Y.; San Francisco, Calif.; Seattle, Wash.; and Chicago, Ill.

The subcommittee has found that illicit trafficking in narcotics and marihuana persists, although the volume of such traffic has been significantly reduced since the post-World War II peak year of 1952. It is the view of your subcommittee that Public Law 255 of the 82d Congress, the so-called Boggs law, providing minimum mandatory sentences on narcotic violators, has been effective in deterring the unlawful commerce in, and use of, narcotics and marihuana. It is essential to the strength and welfare of our American society that further success in the eradication of the illicit drug trade be achieved without delay. To this end, the subcommittee is recommending, among other things: (1) Increased penalties for narcotic law violations with a prohibition on suspended sentences and probation in the case of all violators other than the first offender possessor; (2) improved national and international enforcement measures aimed at driving the trafficker from our midst; (3) more adequate medical treatment and rehabilitation procedures for addicts to reduce the incidence of recidivism; and (4) the enactment of appropriate laws for the effective control of barbiturates and amphetamines.

The following pages of this subcommittee report deal in greater detail with the subcommittee activity, the findings of the subcommittee during its investigation, and the recommendations of the subcommittee based on its study of the narcotic, barbiturate, and amphetamine problem. In addition to this report, which was unanimously adopted by the subcommittee, the attention of the members of the Committee on Ways and Means and other interested persons is directed to the record of the public hearings held by your subcommittee for detailed information on drug addiction, its evil consequences, and its treatment and elimination.

## II. SUMMARY OF SUBCOMMITTEE ACTIVITY

The Subcommittee on Narcotics was established by the Committee on Ways and Means to investigate the illicit traffic in narcotics, barbiturates, and amphetamines in the United States and to make a re-

port containing recommendations to the Committee on Ways and Means.

The Subcommittee on Narcotics is composed of Messrs. Hale Boggs, of Louisiana (chairman), Frank M. Karsten, of Missouri, Eugene J. McCarthy, of Minnesota, Frank Ikard, of Texas, John W. Byrnes, of Wisconsin, Antoni N. Sadlak, of Connecticut, and Howard H. Baker, of Tennessee.

The primary purpose of the subcommittee's inquiry was to determine the effect of Public Law 255 of the 82d Congress, the so-called Boggs law, on the illicit traffic in narcotics. It will be recalled that this Federal law for the first time imposed minimum mandatory sentences on narcotic violators.

Your subcommittee also obtained information and testimony on the barbiturate and amphetamine problem to determine the need for subjecting barbiturates and amphetamines to a similar type of regulation and control as that now applicable to narcotics as certain persons and groups have recommended.

The control of narcotics is through the device of regulatory taxes. This places the legislative jurisdiction over narcotics in the Committee on Ways and Means. For the past several years, there have been proposals to subject barbiturates to the same type of control. Your subcommittee also included amphetamines in its investigation and study since the abuse of amphetamines is becoming a problem of increasing concern.

In order to get a reliable cross section of testimony, opinions and recommendations, your subcommittee conducted 15 days of public hearings in selected cities throughout the country that represented significant localities either because of success or lack of success in dealing with addiction, abuses and illicit trafficking with respect to narcotics, barbiturates, and amphetamines. In Washington, D. C., the subcommittee received testimony and recommendations from officials of the various departments and agencies concerned with the problem of narcotics, barbiturates, and amphetamines so as to obtain general overall information relating to these drugs and the problems arising therefrom. Hearings were also conducted in New York and Chicago where the narcotic problem, in particular, is of serious proportions, and in San Francisco and Seattle where the narcotic problem in particular, appears to be under more effective control.

In addition, the subcommittee inspected the United States Public Health Service Hospital at Lexington, Ky., and received testimony from hospital officials on hospital facilities, capacity, treatment, techniques, drug addiction, and recidivism—relating to narcotics—along with testimony relating to barbiturates in some detail and amphetamines to a lesser extent. We particularly invite attention to the medical testimony on these drugs presented to the subcommittee by the officials of the United States Public Health Service Hospital at Lexington which appears in the printed record of the subcommittee hearings. In the other cities in which the subcommittee held hearings, testimony and recommendations were received from authorities in the field of drug addiction and from law-enforcement officials.

During the public hearings the subcommittee received testimony from 108 witnesses, including Federal, State and local officials, medical and pharmaceutical groups, civic organizations, and interested

individuals. In addition much helpful information and many statements were submitted to the subcommittee for consideration and study. This material is included in the printed record of the hearings.

In the case of narcotics, the testimony pertained to the scope and operation of present law with its related effects on addiction, recidivism, probations, and suspended sentences; trends in addiction, with particular reference to the age of addicts; trends in violations and sentences for a period of time before and after enactment of the Boggs law; problems relating to searches and seizures; recommendations as to the use of wiretapping in narcotics cases; cooperation between Federal, State, and local officials; and other related views concerned with the narcotic problem.

In the case of barbiturates and amphetamines, inquiry was made as to the nature and extent of the problem created by the misuse of these drugs, the types of abuses involved, the sources of the illicit traffic, cooperation between Federal, State, and local officials in correction of abuses and law violations, and whether or not additional Federal or State and local legislation was needed to adequately and effectively cope with enforcement problem so as to insure that uses of barbiturates and amphetamines would be for medically prescribed purposes only.

In the case of narcotics, barbiturates, and amphetamines, the subcommittee sought from witnesses recommendations as to improved legislative methods of controlling these drugs.

In addition to the information and testimony adduced from witnesses during the public hearings, the subcommittee had the benefit of formal studies and reports on the narcotic, barbiturate, and amphetamine problems made by other investigative bodies and interested groups and persons. Some of these studies and reports are included in their entirety in the printed record of the subcommittee hearings, such as the report by the Interdepartmental Committee on Narcotics to the President. In other cases, excerpts are included in the hearings and many references were made to them.

### III. BACKGROUND INFORMATION RELATING TO THE DRUG PROBLEM

A reference dating from 5,000 B. C. records the knowledge of man with respect to the general properties of narcotic drugs. Barbiturates and amphetamines are the chemical product of our present day pharmaceutical advancement. With the exception of heroin, most drugs have acceptable medical uses when their utilization is strictly in accordance with medically prescribed practices.

In the United States the important drugs subject to abuses are opium, synthetic narcotics, marihuana, cocaine, heroin, barbiturates, and amphetamines. According to its type, a drug may be stimulating, depressive, or hypnotic in its effect upon the user.

For lay purposes drug addiction may be defined as a state in which a person has lost the power of self-control with reference to a drug and abuses the drug to such an extent that the person or society is harmed.

To a varying extent narcotic drugs produce three related but distinct phenomena in the user: (1) Tolerance, which is defined as a necessity to increase the dose to obtain an effect equivalent to the original dose when the drug is administered repeatedly over a period of time; (2)

physical dependence, which refers to an altered physiological state resulting from the repeated administration of a drug necessitating its continued use to prevent the appearance of the characteristic illness which is termed "abstinence syndrome"; and (3) habituation, which refers to emotional or psychological dependence on the drug.

When narcotics, barbiturates, and amphetamines are used under careful medical supervision or guidance for medical purposes, their beneficial qualities are well recognized. For example, barbiturates are one of the most useful and flexible classes of drugs to the medical profession ever discovered and are considered essential for the management of epilepsy, and useful in cases of simple insomnia, hysteria, etc. The subcommittee recognizes the beneficial attributes of these drugs under proper medical supervision. It is the misuse of these drugs that is of concern to the subcommittee and is dealt with in this report.

Drug addiction is not a disease but is a symptom of a mental or psychiatric disorder. The precipitating factor in drug addiction is contact with a drug. There are two groups of addicts. The first group is composed of persons who, after receiving repeated doses of narcotic drugs during a long and painful illness, become physically dependent upon the drug. Contact because of therapeutic administration plays only a minor role in producing addiction. The second, and by far the larger group, is composed of those in whom drug addiction is a manifestation of some physical or mental abnormality. Because contact with a drug is the essential prerequisite to addiction, the elimination of this contagious pestilence from our society can be most effectively accomplished by striking at the illicit trafficker.

It is also important that addicts be deterred and be provided adequate medical and rehabilitative treatment so as to relieve them of their tragic dependency on drugs and to restore them to a constructive status in society. The personality disorders producing addiction run the gamut of the standard psychiatric nomenclature from the simple anxiety states to the major psychoses. The effective elimination of physical dependency on a drug and the permanent restoration of the addict to society involves rehabilitation in five general areas; namely, physical, psychiatric, vocational, social, and spiritual.

The history of narcotic drugs within the United States indicates that they were used with little governmental control during the 19th century and the early years of the 20th century. At the present time the manufacture, importation, distribution, and use of narcotic drugs are subject to Federal, State, and local control and regulation. The basic statute providing Federal controls was the Harrison Narcotic Act, enacted in 1914, and subsequently made a part of the Internal Revenue Code. Federal regulation of narcotics and marihuana was further extended by the Narcotic Drugs Import and Export Act of May 26, 1922, and the Marihuana Tax Act.

The Department of the Treasury is the principal Federal agency with responsibility for the enforcement of these laws. There are two bureaus within the Department of the Treasury involved in narcotic law enforcement. The Bureau of Narcotics is responsible for regulating, supervising, and controlling the importation and manufacture of narcotics for legal uses and the registration of those persons concerned with such uses. In addition, the Bureau of Narcotics is responsible for

the apprehension of those found to be violators of the narcotic laws. The Bureau of Customs in the Department of the Treasury is responsible for the prevention of smuggling.

The Public Health Service in the Department of Health, Education, and Welfare is responsible for the Federal treatment and rehabilitation of addicted persons as well as for the research on new drugs as they are produced.

In recent decades, some increased State and local efforts have been instituted for the treatment of addicts and their rehabilitation and for the elimination of illicit narcotic traffic. Increased attention has also been given to this problem on the international level through a number of international bodies and several international treaties.

#### IV. MAJOR FINDINGS OF THE SUBCOMMITTEE

##### *A. Narcotics*<sup>1</sup>

With respect to narcotics, the subcommittee is convinced that the Boggs law providing for minimum mandatory sentences has brought about a considerable improvement in the fight to stamp out the illicit trafficking. Prior to the enactment of the Boggs law, the average narcotic sentence was 18 months. At the present time, the average narcotic sentence is 43 months. The evidence which we obtained, however, also indicates that about 80 percent of narcotic convictions now are of first offenders. Although present law now imposes a minimum mandatory sentence on a first offender of at least 2 years and up to 5 years, it also permits probation or suspension of sentence in the case of the first offender. This possibility of suspension or probation for the first offender has resulted in the big-time operators who have previous narcotic convictions remaining in the background. They operate through antisocially inclined persons who have never been convicted of a narcotic violation and who are willing to risk apprehension, particularly in those areas of the country where the judges are inclined to impose minimum or suspended sentences and where probation is easily obtained.

Your subcommittee has concluded that not only should probation and suspension be removed in the case of the first-offender trafficker but also the maximum sentence should be increased from 5 to 20 years. Enforcement officers have reported certain weaknesses in present laws and have called the attention of your subcommittee to certain court decisions which have tended to vitiate the effectiveness of existing Federal enforcement legislation. It is the subcommittee's view that corrective legislation should be enacted to restore the effectiveness of these laws. Such statutory changes relate primarily to procedures and technicalities rather than to matters of substance.

##### *B. Barbiturates*

With respect to barbiturates, the subcommittee has found that there is not only a lack of realization of the seriousness of the consequences and possibilities of abuses on the part of the public, but also on the part of the medical profession and others who are concerned with their manufacture and distribution. Barbiturate abuse has become a serious social problem. Although Federal, State, and local officials charged with the responsibility for enforcing present laws relating to barbitu-

<sup>1</sup> General references to narcotics in this report include within the term marihuana which is similarly treated with respect to penalties, etc.

rates are aware of the seriousness of these problems, they are not only operating under the handicap of insufficient funds and shortage of enforcement personnel but also are further handicapped by a lack of legislative authority for proper enforcement. There is divided opinion among medical experts as to the addictive and habit-forming potentialities of barbiturates. Some contend that barbiturates are just as addictive as are narcotics; others claim that they are not addictive but are habit forming. In any event, all agree that they can be abused.

Generally speaking, the medical profession and enforcement officials oppose the recommendation that barbiturates should be subjected to the same control as that which now applies to narcotics. Due to the nature of the supply and use of these drugs, the subcommittee is of the opinion also that barbiturates should not be subjected to the same type of control as now applies to narcotics. Barbiturates are domestically produced. On the other hand, the natural sources of narcotics are almost exclusively foreign. This means that they must be imported before they can enter illegal channels. In light of this, your subcommittee recommends that Federal regulation of barbiturates should be on the basis of the power of Congress to regulate interstate commerce rather than through the device of regulatory taxes.

### *C. Amphetamines*

With respect to amphetamines, the subcommittee found that medical experts and enforcement officials are in general agreement that amphetamines are not addictive. However, it was also generally agreed that amphetamines are equally as subject to abuse as are barbiturates and that their improper use results in antisocial behavior to the detriment of society. Amphetamines are now classified under the Food, Drug and Cosmetics Act along with barbiturates as dangerous drugs.

The subcommittee believes that amphetamines should be regulated by the Federal Government in the same manner as barbiturates. It is also recommended that persons who have not secured these drugs through authorized channels be subjected to penalties for illegal possession.

Barbiturates and amphetamines, like most narcotics, have a proper and valuable place in certain medical treatment. At the same time barbiturates and amphetamines are also like narcotics in that due to the very properties which make them not only useful but essential to the medical profession, they are subject to abuse by emotionally unstable persons. It is not their use which concerns the subcommittee; it is their misuse. These drugs are at one and the same time a blessing and an evil. When used properly under medical direction, they are effective in the alleviation of illness and suffering. When used in strict conformity with medical prescription and not for sensual gratification, barbiturates and amphetamines represent an outstanding pharmaceutical advancement. The therapeutic administration of these drugs produces results that are beneficial with respect to many human maladies. A patient may use them with confidence within the limits prescribed by his attending physician. When misused, barbiturates and amphetamines, like narcotics, become a social and legal problem which is of grave public concern.

The details of the subcommittee's recommendations and our reasons for them are set forth in subsequent parts of this report.

## V. BASIC PROBLEMS COMMON TO NARCOTICS, BARBITURATES, AND AMPHETAMINES

There is an interrelation between addiction to narcotics and the abuse of barbiturates and amphetamines. All persons abusing and misusing any one or a combination of these drugs, with few exceptions, are not normal persons in that they are suffering from some basic psychological or mental disorder. This means that efforts at prevention and rehabilitation and treatment of these persons must proceed basically along the same lines in each case. The problems of enforcement and legislation are similar in the case of each of these drugs to the extent of the type of individuals involved. The social problems involved are basically the same. Generally speaking, there is a lack of public awareness as to the seriousness of abuse of these drugs. There is a serious lack of statistics on the abuse of barbiturates and amphetamines. This statistical lack stems from the fact that these drugs are of relatively recent development and their distribution and use have not been subject to the rigid controls applicable to narcotics. In the case of narcotics, statistics are more reliable. However, estimates of the number of narcotic addicts vary considerably.

## VI. NARCOTICS

### *A. Traffic and addiction*

Drug addiction has been defined as follows:

Drug addiction is a state of periodic or chronic intoxication, detrimental to the individual and to society, produced by the repeated consumption of a drug (natural or synthetic). Its characteristics include:

- (1) An overpowering desire or need (compulsion) to continue taking the drug and to obtain it by any means;
- (2) A tendency to increase the dose;
- (3) A psychic (psychological) and sometimes physical dependence on the effects of the drug.

The foremost medical authorities in the United States further describe drug addiction by the use of the term "contagion" because of the manner in which addicts spread the drug habit to their close associates. The addict seeks to induce others to undertake the drug habit for a variety of reasons. Among these reasons are monetary reward from the selling to other addicts, the belief that by spreading addiction an addict will create sufficient demand to assure his own source of supply, and among juveniles, misguided concepts of local prestige and gang customs. Addicts characteristically regard their addiction as an illness that can be cured only by more drugs. An addict usually undertakes the drug habit with a confidence that its initial use is a one-time incident to satisfy a curiosity or mitigate a temporary problem. This common fallacy has seldom if ever proved true.

Before the passage of Federal control legislation, narcotic drugs were used with considerable freedom in the United States. Addiction was prevalent but unrecognized until after the Civil War. In 1877 a survey disclosed as estimated 117,000 addicts in a total population of 46 million, or 1 in 400. The accuracy of this survey is uncertain, but it indicates the recognition of a problem of alarming magnitude. An awareness of the scope of the problem finally brought remedial legislation, both Federal and State. The basic statute estab-

lishing Federal controls was the Harrison Narcotic Act enacted in 1914.

This was supplemented in 1922 by the Narcotic Drugs Import and Export Act.

With the establishment of narcotic controls there has been a substantial decline in narcotic addiction and in the narcotic traffic. Since the passage of the Harrison Narcotic Act the number of narcotic addicts has declined from about 250,000 in 1914 to about 60,000 today. By World War I the incidence of addiction had been reduced so that about 1 in every 1,500 persons was rejected for military service because of addiction. By World War II, roughly 1 in 10,000 was rejected. A deviation from this decline followed World War I, when there was a rather sharp upsurge in addiction, particularly among teen-agers in the early twenties. This increase subsided by 1925, and the downward trend in narcotic addiction was resumed. Military activity during World War II produced an almost complete elimination of narcotic drug smuggling, due to the closing of ordinary channels of transportation except for limited supplies from Mexico.

In the early 1940's Commissioner Harry J. Anslinger of the Federal Bureau of Narcotics warned that the war's aftermath would produce some retrogression unless strenuous measures were taken in the way of increased local and State narcotic enforcement activities and more severe penalties for violators. In 1948 an upsurge in addiction and an outbreak of teen-age use of narcotic drugs occurred. By 1950, narcotic addiction approached grave proportions in certain metropolitan areas of the country. Similar conditions prevailed in other countries, particularly in Canada. Several factors appear to have been responsible for the proportions of the upsurge in the United States; namely, an increased influx of drugs from Italy, where internal controls had temporarily broken down, followed by a deluge of heroin from Red China which used the drug as a means to obtain foreign exchange and as a weapon to demoralize the people of free countries. During this crucial period, the trafficker took confidence from the light penalties imposed by courts in many areas of the country.

An aroused public concern over drug addiction stimulated the adoption of corrective measures. State and local enforcement efforts were intensified, permitting the Federal Bureau of Narcotics to concentrate on the interstate and international traffic. Increased enforcement personnel was provided on Federal, State, and local levels. Perhaps the most important factor in reducing the incidence of addiction was the realization that, although narcotic abuses were generally on the increase, in those areas where the courts imposed severe prison penalties traffic and addiction were at a virtual minimum or nonexistent. This led to the enactment in 1951 of Public Law 255, 82d Congress, the so-called Boggs Law, which called for more severe mandatory Federal penalties. By 1952, the postwar upsurge in addiction and in the narcotic traffic reached its peak and now appears to be on the decrease. Statistics indicate that 1952 was the peak year for arrests for narcotic law violations.

In 1953 there were 23,627 arrests both State and Federal, under the narcotic laws. In 1954 arrests under the narcotic laws dropped to 19,489. The arrests of persons under 21 years of age dropped from

2,732 in 1953 to 2,136 in 1954. The decline in violations indicated by these statistics is encouraging, but narcotic addiction and the illicit traffic in narcotics remains one of the country's most serious social problems and it will remain a problem in varying degrees as long as one addict remains.

Illicit narcotic drugs continue to flow into our port cities and across our borders from Communist China, Turkey, Lebanon, and Mexico. Narcotic addiction and the narcotic traffic, even though on the decline in most areas continue unabated in the metropolitan areas of New York, Chicago, Los Angeles, Detroit, and in certain areas of the State of Texas. Without exception the illicit traffic continues to flourish in those problem areas where leniency is an established pattern in the courts.

Estimates of the number of persons addicted to drugs in the United States have been many and varied. A current survey by the Federal Bureau of Narcotics indicates about 60,000 addicts in the United States, or an incidence of about one for each 3,000 population.

An analysis of data collected in this survey concerning these narcotic addicts shows 50.3 percent between the ages of 21 and 30, 19.4 percent between the ages of 31 and 40, and 17.2 percent over the age of 40. The remaining 13.1 percent were under the age of 21. However, a further study of this latter group revealed that 87.61 percent were over 18 years of age. This indicates that the use of narcotic drugs by juveniles or teen-agers although of very serious proportions, is not as prevalent as some recent reports have implied. Recent studies made in New York and Chicago indicate that drug addiction among youth is usually closely associated with delinquency, neighborhood environment, parental neglect, and broken homes. Many addicts have a history of social maladjustment and are likely to be well schooled in crime before they turn to drugs.

Bureau of Narcotics' statistics show that 79.01 percent of the addicts are males—a complete reversal of the situation existing prior to the passage of the Harrison Act in 1914, when female addicts substantially predominated. It also appears that in recent years the rate of addiction has increased among Negroes. This group now represents an estimated 60 percent of the addicted population.

With the high cost of illicit drugs, it is estimated that the average addict must spend from \$50 to \$100 per week to maintain his addiction. Commissioner Anslinger of the Bureau of Narcotics has estimated that the average addict must spend \$10 a day for narcotics. With an estimated 60,000 addicts in the country this amounts to \$600,000 daily and to \$219 million annually. The cost of illegal drugs is beyond the income of an average individual and problems related to illegal drug procurement account for the criminal activities associated with drug addiction. Enforcement officials have testified that drug addiction and the illicit traffic in drugs are responsible for much of the crime committed in the larger cities. Available data indicates that most addicts have records of crime or delinquency. It is evident that addiction and criminal pursuits go hand in hand.

Your subcommittee was particularly interested in determining the extent of narcotic addiction among members of the Armed Forces. We received testimony from the Judge Advocate General of the Army on behalf of the Department of Defense to the effect that addiction is not a problem among members of the Armed Forces except in the

Far East. The evidence indicates that except for military personnel in the Far East addiction among members of the Armed Forces is less than that among the civilian population of the United States. In the Far East addiction runs about the same as that among our civilian population. The Department of Defense has assured your subcommittee that it is on the alert to seek out and control the narcotic's problem among members of the Armed Forces. The Department is making a particular effort to correct the narcotic problem in the Far East. Responsible officers in that area have been alerted to this problem and are utilizing every means in their power to keep it under control.

### *B. Legislation*

The three principal Federal statutes which specifically control narcotic drugs and marihuana are the Narcotic Drugs Import and Export Act, the Harrison Narcotic Act, and the Marihuana Tax Act. In addition, the United States smuggling law is applicable to illegal entries of drugs. The Narcotic Drugs Import and Export Act allows the Commissioner of Narcotics to control the importation of opium and coca leaves and the exportation of manufactured narcotic drugs and preparations. It prohibits the importation of opium prepared for smoking. It also prohibits the importation of opium for the manufacture of heroin. The Harrison Narcotic Act provides the machinery through which the Federal Bureau of Narcotics is able to exercise control over the distribution of narcotic drugs within the country. The Marihuana Tax Act, by requiring the registration and payment of tax, controls the traffic in marihuana. The United States smuggling laws (18 U. S. C. 545), make it a criminal offense to unlawfully bring into the United States any merchandise or to facilitate the disposition of such merchandise after importation.

Testimony adduced in the hearings and the subcommittee's review of these laws indicate that they are adequate, with certain exceptions. Recent court decisions have shown a defect in the Marihuana Tax Act which will under certain circumstances prevent prosecution for illegal possession of marihuana in a given jurisdiction. The defect can be easily remedied by corrective legislation which we are recommending to provide that venue will reside in jurisdiction of either acquisition or apprehension.

The development of new synthetic narcotic drugs has created a need for effective control of their manufacture and distribution. Legislation is needed and is now under study which will authorize the Commissioner of Narcotics to license manufacturers of these synthetic drugs, fix quotas to control production, and regulate their distribution. Smuggling of marihuana into the United States should specifically be made a crime.

Most States have enacted the Uniform Narcotic Drug Act or other adequate narcotic legislation. Like the Federal Government, many States need to revise their narcotic laws to cope with the everpresent problem created by the development of new synthetic narcotic drugs. Your subcommittee urges that States that do not have adequate narcotic legislation give consideration to the enactment of the Uniform Narcotic Drug Act. The last annual report of the Government of the United States on Traffic in Opium and Other Dangerous Drugs to the

International Drug Convention indicates that the States of Kansas, New Hampshire, and Massachusetts do not have adequate narcotic legislation.

### *C. Enforcement*

The Federal narcotic laws are revenue measures and for this reason their enforcement has been the responsibility of the Treasury Department. The Bureau of Narcotics, established in 1930, is charged with the duty of regulating, supervising, and controlling the trade in narcotic drugs and marihuana. As a result of an effort to bring about worldwide control of narcotics, the United States and other nations obligated themselves to establish such an agency by virtue of Article 15 of the Narcotics Limitation Convention of 1931 sponsored by the League of Nations.

The duties of the Bureau of Narcotics include regulatory supervision over all stages of importation and manufacture of narcotics and the registration of physicians, pharmacists, and others concerned with their use. Control of the domestic trade in narcotic drugs for legitimate medical and scientific needs has been effectively maintained. Consistent support has been given to the domestic controls by physicians and pharmacists, and by the manufacturers, importers, distributors, and others in the drug field. Associations representing these groups have made notable contributions to the effectiveness of the program.

The Bureau of Narcotics is also responsible for the apprehension of those found to be violators of the narcotic laws. Bureau activities are concentrated on interstate violators and on large wholesale traffickers, both interstate and intrastate, as the most effective utilization of its limited manpower in the fight against the vicious underworld traffic in narcotics.

The Federal Bureau of Narcotics, under the able leadership of Commissioner Harry J. Anslinger, has done an outstanding job in suppressing the illicit narcotic traffic in the United States, although the Bureau has been under a handicap most of the time resulting from a shortage of personnel and inadequate budgets.

This Bureau is one of the few Federal agencies whose personnel and funds have not been increased to reflect population growth and greater responsibility. Over a period of 25 years, the Federal narcotic laws have been enforced with a force of approximately 227 agents and an average budget of less than \$2 million. This restriction on manpower and operating funds has seriously curtailed investigations of the illicit traffic in the United States and of sources of supply in foreign countries.

Because of budget limitations the present force of 250 Federal narcotic agents is 25 short of the number authorized by the Congress. By way of comparison, New York City has approximately 200 police officers assigned specifically to narcotic enforcement. This comparison indicates the inadequate number of personnel in the Federal Bureau of Narcotics.

The Bureau of Customs, cooperates with the Federal Bureau of Narcotics in combating the illicit narcotic traffic. The Bureau of Customs has sole responsibility to prevent smuggling. These two Treasury agencies work in close coordination; each maintains a small num-

ber of agents abroad for the purpose of preventing illegal shipments of drugs to the United States and cooperates with the enforcement agencies of other governments in trying to eliminate the sources of supply of the contraband at its origin. Notable results have been obtained by attacking the problem on foreign soil, but your subcommittee believes that additional personnel stationed in foreign countries would be as effective in combating illicit traffic in this country as any one step that should be taken at this time.

In the opinion of your subcommittee, the Bureau of Customs also suffers from a shortage of enforcement personnel. Although shipping and world commerce have increased tremendously in the last 10 years, the size of this agency's enforcement personnel has remained constant during the same period. Since the illegal traffic in this country depends primarily on being supplied through smuggling of narcotic drugs from abroad, the Bureau of Customs urgently needs more enforcement personnel to cope with this problem.

Narcotic addiction with its close affinity to crime is an ever-present problem for every community in the country, and a major responsibility for its control must inevitably rest with the States and local communities. Even though State and local narcotic enforcement has increased in recent years, your subcommittee believes that much remains to be done to improve enforcement in this field. In metropolitan areas, specialized narcotic squads have been very effective as evidenced by experience in New York and Los Angeles. Your subcommittee recommends that other localities constituting problem areas give serious consideration to the establishment of similar specialized enforcement groups.

Your subcommittee's inquiry into the enforcement program revealed serious obstacles which have been placed in the path of enforcement officers as the result of recent court decisions. These decisions have tended, under certain circumstances, to furnish the criminal with a cloak of immunity to the detriment of society as a whole. They have forced changes in recognized investigative procedures which had been sanctioned by the courts for many years. The narcotic traffickers, who are in most cases well-organized professional racketeers, take full advantage of any limitations placed on enforcement officers.

In some instances enforcement officers have been restricted in their right to arrest without a warrant, and to search and seize contraband before and after a valid arrest. The use of evidence of admissions and confessions following an arrest has been curtailed. Narcotic enforcement officers are restrained from intercepting telephone conversations, even though the telephone is a major instrument of communication between the top narcotic traffickers, and could often provide the necessary evidence to convict these violators. The enforcement officers are required to secure an arrest warrant or a search warrant from a magistrate even though circumstances indicate the impracticability of such a procedure. Narcotic drugs are small in volume and high in price. A fortune in drugs can be concealed under clothing and can be destroyed or moved to a place of safety on a moment's notice. The delay involved in obtaining a warrant from a magistrate permits the destruction or removal of the narcotic evidence and allows the narcotic traffickers to escape prosecution for their crime. These and other restrictions on enforcement officers leave the public

unprotected and give narcotic violators, especially the more reprehensible larger racketeers and wholesalers, an advantage over law-enforcement officers in efforts to combat the illicit narcotic traffic. The subcommittee urges that corrective measures in these areas be taken immediately to permit enforcement officers to operate more effectively.

The stringency with which some courts apply rules relating to the admission of evidence bearing on narcotic law violations and the difficulty of obtaining warrants under certain circumstances have rendered the problems confronting enforcement officers that much more difficult to meet.

Accordingly, your subcommittee has unanimously adopted a number of recommendations designed to facilitate the enforcement of the narcotic laws. Included among these recommendations, as set forth in detail later in this report, are (1) increased authorization for Federal enforcement personnel, (2) strengthened licensing regulations, (3) authorization under court orders for the interception and admission into evidence of telephone communications in narcotic cases, (4) legislation for more effective searches and seizures in narcotics cases, (5) authority for Federal agents to carry firearms to execute and serve warrants and to make arrests for narcotic violations, and (6) that State and local enforcement personnel should be increased and specially trained.

#### *D. Penalties*

Effective control of the vicious narcotic traffic requires not only vigorous enforcement but also certainty of punishment. Conclusive evidence was presented during your subcommittee's investigation that the imposition of heavier penalties was the strongest deterrent to narcotic addiction and narcotic traffic. In those areas of the country where we found leniency in sentencing the prevailing practice, drug addiction and narcotic traffic without exception are on the increase. Also without exception, wherever heavier penalties are imposed by the courts, narcotic traffic and addiction are at a virtual minimum or non-existent.

The enactment of Public Law 255, the so-called Boggs law, in 1951, has been largely responsible for turning the rising tide of the narcotic traffic and of narcotic addiction. The Boggs law for the first time imposed minimum mandatory penalties for violations of the narcotic laws. It provides a penalty of not less than 2 years nor more than 5 years for a first offense; not less than 5 years nor more than 10 years for a second offense; and for a third or subsequent offense, not less than 10 years nor more than 20 years. For second or subsequent offenses it prohibits probation or suspension of sentence.

Before the enactment of this law, the average sentence for a narcotic violation was 18 months. The average narcotic sentence now is approximately 43 months. However, it must be recognized that special incentives in our penal systems serve to decrease the actual time spent in a penal institution under a sentence imposed by the court. The violator is eligible for parole after serving one-third of his sentence. As is true of all Federal violators, he is subject to conditional release after serving two-thirds of his sentence. Available data from the Bureau of Prisons indicate that a narcotic violator actually serves an average of less than two-thirds of the sentence imposed by the court.

This tends to defeat the purposes of the act and should be corrected as set forth in the subcommittee recommendations.

Your subcommittee is convinced that the Boggs law in its present form has contributed greatly to the control of the narcotic traffic. As a result of our investigation we urge that it be strengthened to more effectively combat drug addiction and illicit drug traffic. We have adduced substantial evidence that because of the severe penalties on repeating offenders and the fact that suspension and probation are not available in the case of an individual with a record of prior narcotic convictions there has been an increase in first offender traffickers. Repeating offenders subject to the heavier mandatory penalties under the Boggs law have moved into the background and recruited young hoodlums as peddlers in the narcotic traffic. These recruits are subject to the minimum mandatory sentence of 2 years with the possibility of suspension or probation. At the present time, 80 percent of the narcotic violators apprehended and convicted are first offenders under the narcotic laws. The majority of these individuals have prior records of crime. However, because they have no prior conviction for narcotic violations, under the Boggs law they are considered as first offenders. With the possibility of receiving probation or a suspended sentence, these unscrupulous individuals are willing to risk apprehension for the fantastic profits derived from this type of crime. The markup in heroin sold to addicts in this country runs up to 10,000 percent over its cost at the source.

Unless immediate action is taken to prohibit probation or suspension of sentence, it is the subcommittee's considered opinion that the first-offender peddler problem will become progressively worse and eventually lead to the large-scale recruiting of our youth by the upper echelon of traffickers. The penalties on peddlers with or without a record of prior convictions under our narcotics law must be made sufficiently severe to make the profits from this insidious commerce an inadequate inducement to assume the risks involved.

The narcotic traffic has been aptly described as "murder on the installment plan." The peddler or trafficker who is a killer on the "installment plan" of the weaker persons in our society, including our youth, should be dealt with severely or he will continue to encourage and exploit the demands of a wretched human weakness for financial gain.

Some testimony was received by the subcommittee to the effect that in determining the degree of punishment a distinction should be made between the nonaddict trafficker and the addict trafficker with the latter group being dealt with less severely. It is the view of your subcommittee that the addict trafficker is just as vicious a person as the nonaddict trafficker, that his deeds are made no less heinous by virtue of his addiction, and any attempt to place such individuals in a separate category with a view to dealing less severely with them would only serve to encourage the addict trafficker to the detriment of society.

It is urged by your subcommittee that the minimum and maximum penalties applicable to convictions for violations of the narcotic laws be increased on both the Federal and State levels. The importance of heavy mandatory type penalties in narcotic cases at the Federal and State levels was clearly demonstrated during the subcommittee

hearings and investigation. It is recommended that the convicted narcotic peddler be sentenced to not less than 5 years for a first offense and not less than 10 years for a second or subsequent offense. Maximum sentences should be increased to 20 years and 40 years, respectively, for first offenses and for second and subsequent offenses in the case of the narcotic peddler.

Your subcommittee is not recommending an increase in the minimum sentence of 2 years applicable to first offender possessors. It is, however, recommended that the maximum penalties applicable to such possessors be increased from 5 years to 10 years. This will permit the exercise of a wider latitude of discretion as warranted by the existing facts in a specific case without unduly weakening the penalty deterrents to illegal narcotic possession. A further recommendation of your subcommittee is that probation and suspension of sentence be prohibited for all first offender traffickers.

In the case of an adult peddler abetting a juvenile in the use of narcotics, a minimum mandatory sentence of 10 years with a maximum sentence of 40 years should be prescribed without opportunity for suspension or probation. Your subcommittee recommends that the maximum fine be made \$20,000 applicable for any narcotic violation and that its imposition be made discretionary with the court. Your subcommittee realizes that it is impossible through legislation to instill character where human weakness exists. However, it is believed to be incumbent upon the Congress and the State legislatures to see to it that this reprehensible preying upon human weaknesses is most severely punished.

#### *E. Education*

The subcommittee is convinced that the public generally does not fully understand the viciousness of drug addiction nor the seriousness of the proportions of this addiction. Recommendations were presented during the public hearings that an educational program be instituted in the schools to make students aware of the evils of narcotics. However, careful consideration by the subcommittee of the efficacy of such an educational program has led to the conclusion that it would tend to arouse undue curiosity on the part of the impressionable youth of our Nation unless undertaken with extreme caution. Many young persons, once their curiosity is aroused, may ignore the warnings and experiment upon themselves with disastrous consequences.

The subcommittee is, therefore, opposed to direct routine education of our youth and we are supported in our views by the United Nations Commission on Narcotic Drugs and by Narcotics Commissioner Harry J. Anslinger, who recommend against any such educational program. It is urged that medical groups and others who are in positions of responsibility dealing with drug addiction make every effort to bring to public light the viciousness of this addiction. It is believed that the availability of authoritative information as distinguished from a formal educational program will accomplish the necessary public awareness without stimulating juvenile curiosity. An aroused and informed public, in this case as in all other problems of national concern, is the major factor in effectively dealing with the problem.

*F. Hospitalization and rehabilitation*

The Public Health Service, at the direction of Congress, in the early twenties pioneered in systematic studies of the nature and extent of narcotic addiction. Special studies at that time contributed to the development of effective measures for the treatment and rehabilitation of addicted persons. In 1928 Congress authorized the establishment of a special Public Health Service Hospital at Lexington, Ky., and later at Fort Worth, Tex., for the purpose of treating narcotic addicts. An important purpose was to provide special treatment for Federal prisoners known to be addicts. Provision was also made for patients who voluntarily applied for admission and treatment. These hospitals are still operated by the Public Health Service under the Department of Health, Education, and Welfare and are, in addition to dealing with addicts, centers for research studies in the properties of narcotic drugs and their effects upon man.

Notable progress has been made in the treatment of drug addiction. Addicts now are withdrawn from physical dependence on the drugs without difficulty at the Public Health Service hospitals. However, treatment of drug addiction must be carried out in a drug-free environment, which makes institutional care essential. Your subcommittee believes that any attempt to treat drug addiction in any other manner, such as the currently suggested ambulatory means (clinic plan), is doomed to failure. The American Medical Association, the National Research Council, the United Nations Commission on Narcotic Drugs and other authorities on the subject of addiction are on record with the opinion that drug addiction can be cured only through institutional care and have discredited the ambulatory or clinic plan approach.

Considerable publicity has recently been given to this proposal to legalize the distribution of narcotics as a means of curbing narcotic addiction. This program, commonly referred to as the "clinic plan," is based upon furnishing narcotic drugs to addicts at a nominal cost. With the profit removed from the illicit traffic, the sponsors hope to curb addiction.

The subcommittee considers such a proposal unrealistic for the reason that it ignores the most basic reason for addiction. Drug addiction spreads in the manner of a communicable disease and usually every addict makes new addicts. Drug addiction could not exist without the availability of drugs. In our opinion legalizing the distribution of narcotic drugs would cause a retrogression and wreck havoc in our communities.

This conclusion is supported by evidence in the record of the subcommittee hearings to the effect that of the 44 narcotic clinics or dispensaries established in the United States during and after the year 1919 under State auspices, all of them were closed by 1925 because experience had proved them to be failures. These narcotic clinics were usually established to provide temporary care for addicts who had been patronizing profiteering doctors and druggists. While the clinics may have achieved some success in eliminating this profiteering practice there resulted in its place a tremendous illicit traffic in narcotics. In New York State alone, when 16 or more narcotic clinics were in operation throughout the State, almost 4,000 ounces of narcotic drugs

were seized in illicit channels during a year—or almost as much as was seized in the entire United States during 1952.

During 1 year that these clinics were in operation 80,000 ounces of narcotic drugs were seized in the domestic illicit traffic in the United States—or more than 14 times as much as was seized in 1952. The clinic “patients” were resorting to the illicit sources of narcotic drugs in order to supplement the supply they were obtaining from the clinics. Many addicts endeavored to get a supply in excess of the amount they used for their personal use for purposes of sale to their fellow addicts. Some individuals would endeavor to deceive and actually would go through registration and examination at the clinic in order to obtain the drug to sell to addicts at an advance of the clinic price.

Narcotic drug addiction serves no useful purpose. There can be no justifiable reason for its continuance. To permit a governmental institution to engage in the ghastly traffic in narcotics is to give the Government the authority to render unto its citizens certain death without due process of law. The most effective weapon against the spread of addiction and the elimination of existing addiction is severe punishment in the form of mandatory sentences which effectively deter traffickers.

It is your subcommittee’s view, therefore, that trafficking in dope and the murderous consequences that attend such trafficking should not be undertaken under Government auspices and that instead the Federal and State Governments should proceed in the opposite direction and make the illicit drug traffic an increasingly hazardous business. Such a step would promote recourse to institutional care for existing addicts, reduce the occurrence of new addiction cases, and foster the effectiveness of rehabilitation procedures.

Although withdrawal from drugs is now a relatively simple matter, there remains a high rate of recidivism. Transition from institutional care to a free community life is difficult. Released former addicts find themselves cut off from helpful guidance and opportunity at a time when they need assistance most. Their communities and even their families show a distrust toward them and a reluctance to accept their return to community life. The discharged addicts find that they are readily accepted only in their former haunts and among their former associates in the drug traffic. A return to drugs is the line of least resistance.

Improved follow-up care of the successfully treated and recently released patient is most urgently needed to effect a lasting cure. Local community services should be made available to the former addict to guide him in his special problems. Treatment institutions and home community rehabilitation facilities should coordinate their programs and exchange information in order to obtain lasting benefits to the patient in the treatment of his addiction.

The Federal Government has provided hospital facilities for the treatment of addicts at Lexington, Ky., and Fort Worth, Tex. The subcommittee believes that the major responsibility for providing the all essential treatment, rehabilitation, and followup care of an addict rests with the States and local communities. Drug addiction, as contrasted to interstate traffic and wholesaling, is primarily a community problem. In those areas where justified by the rate of addiction, the States and larger communities, in your subcommittee’s opinion,

should provide adequate treatment facilities for the withdrawal of addicts from drugs and a suitable program for their rehabilitation. Followup care for the addict can be provided by expanding present mental health programs and taking full advantage of established social welfare services in many cases.

One of the cities now making progress toward a solution of the narcotic addiction problem is New York City. Treatment facilities are provided for youthful drug addicts at Riverside Hospital, North Brothers Island, New York City. These facilities should be extended to provide treatment for older addicts in that area. Some progress has also been made in rehabilitation in Chicago and Detroit. Your subcommittee strongly urges that these facilities be expanded and that other problem areas take steps to provide similar facilities.

Unfortunately, many addicts will not voluntarily undergo treatment, but must be compelled to do so by legal means. The subcommittee believes that States should enact legislation to provide for the commitment of addicts to institutions where they would be forced to remain until they have received maximum benefits from treatment. Such legislation should also provide for some supervision over the individual during the followup rehabilitation period. The true success of withdrawal treatment can only be measured in terms of the success and permanency of the results of rehabilitating the former addict. Pending establishment of such treatment and rehabilitation facilities, the subcommittee is recommending that legislation be enacted authorizing State commitments of addicts to Federal narcotic hospitals on a reimbursable basis.

#### *G. International controls*

International controls are the most effective means of eliminating illicit traffic in narcotic drugs since the basic natural drugs are not found in this country. Significantly, the United States has led the other countries in the worldwide struggle against narcotic addiction and the illicit traffic. With the exception of Communist China, which is a primary source of narcotics, there has been remarkable cooperation among the countries in fighting this common problem.

The Commission on Narcotic Drugs, created by the first assembly of the United Nations, is engaged in the suppression of drug addiction and the illicit traffic. The Commission acts through the device of public opinion and the means made available by the several narcotic conventions. Three other international bodies are also engaged in this work. The Permanent Central Opium Board watches over the trade in narcotics. The supervisory body meets semiannually to review the narcotic estimates of all governments for medical needs. The Committee on Drug Addiction of the World Health Organization reviews the field of newly discovered drugs to determine which drugs should be placed under international control.

The concerted international program is directed toward the following objectives:

- (a) Improving international and national legislation and administrative machinery in the field of narcotics;
- (b) Regulating national and international trade in narcotics;
- (c) Coordinating the efforts for treatment and eradication of drug addiction.

The basic instruments for attaining these objectives are 6 international treaties transferred from the League of Nations to the United Nations and 3 concluded under the auspices of the United Nations. A consolidated and improved convention is being prepared to replace all the instruments presently in force.

International control methods have reduced the manufacture of narcotic drugs to almost half of their former volume. The 1948 protocol providing international control of the new dangerous synthetic narcotic drugs throughout the world saved the United States from a flood of these drugs from European factories.

Even though great strides have been made in controlling the legitimate international trade in narcotic drugs, smuggling continues to present a serious problem because of the tremendous overproduction of opium and the narcotics derived from it in foreign countries. To combat this situation, the Commission on Narcotic Drugs developed the 1953 protocol for worldwide limitation of opium production, which when effective will curtail the illicit narcotic traffic by greatly reducing the narcotic drugs available for smuggling. Before it becomes effective, 25 nations must ratify this 1953 protocol; 15 nations, including the United States, have now ratified the protocol. It is hoped that all other nations will ratify it as soon as possible. Unfortunately, the larger producers of opium—Turkey, Iran and Mexico—are among those nations which have not yet ratified this protocol.

The Division of Narcotic Drugs of the United Nations was recently moved to Geneva, Switzerland, from United Nations Headquarters in New York. The subcommittee believes that should this organization be returned to the United Nations Headquarters in New York it would have an advantage of a greater force of public opinion being brought to bear in the fight against the vicious illicit narcotic traffic.

#### *H. Recommendations<sup>2</sup>*

Although substantial progress has been made in controlling the illicit narcotic traffic in the United States, drug addiction remains one of our most serious social problems. To combat this situation effectively, we must have a program based on vigorous enforcement, strengthened legislation, severe penalties, compulsory hospitalization, and improved rehabilitation.

With these objectives in mind, the subcommittee makes the following recommendations to the Committee on Ways and Means for a more effective control of the vicious illicit narcotic traffic. It is your subcommittee's hope that the States will review their responsibilities in this problem of controlling narcotic addiction and where necessary take appropriate action:

1. Penalties for violations of the narcotic laws should be mandatory in all States.
2. The minimum and maximum penalties should be increased for all violations of the narcotic laws, both Federal and State with parole eliminated.
3. Present penalties for traffickers in narcotics under the Boggs law should be increased to not less than 5 years for the first offense and not less than 10 years for second and subsequent offenses, with probation and suspension of sentences prohibited.

<sup>2</sup> Legislation pertaining to these recommendations appears in the appendix to this report.

4. Increased penalties should be provided for the sale of narcotics by adults to minors.

5. The Congress should adopt a resolution urging all nations to ratify, as soon as possible, the 1953 protocol which would limit worldwide production of opium.

6. The Congress should adopt a resolution urging that the Division of Narcotics of the United Nations, recently moved to Geneva, Switzerland, be relocated at the United Nations Headquarters in New York.

7. The Congress should adopt a resolution urging the United Nations to expedite the final drafting of the proposed single convention, which would modernize, codify, and replace existing conventions and protocols on narcotics.

8. The authorized personnel of the Federal Bureau of Narcotics should be increased to a minimum of 400 agents and sufficient appropriations should be authorized at the earliest possible time to provide for this increase in personnel and to furnish the Bureau with sufficient funds for effective operation here and abroad.

9. The Bureau of Customs should be provided with additional appropriations to permit an increase in their enforcement personnel to cope with the smuggling problem.

10. The Department of the Treasury should expedite the study and preparation of legislative recommendations to authorize the Commissioner of Narcotics to license manufacturers of natural and synthetic narcotic drugs, fix quotas to control production, and regulate their distribution.

11. Defects in the laws applicable to marihuana relating to illegal possession, transportation, and smuggling of marihuana should be corrected. Venue should be permitted in the State where a violator is apprehended.

12. Smuggling of marihuana should be made subject to more severe penalties.

13. Consideration by the Congress should be given to amending the Public Health Service Act, Public Law 410, 78th Congress, so as to permit the Surgeon General of the Public Health Service to disclose information on voluntary patients so as to aid in followup-care programs for addicts.

14. Legislation should be enacted to authorize, under a court order, the interception and admission of evidence of telephone communications in narcotic cases.

15. The Federal Government should have the authority to grant immunity from prosecution to witnesses in narcotic cases.

16. The Federal Government should authorize for a limited period of time State commitments to Federal narcotic hospitals on a reimbursable basis.

17. Legislation should be enacted to permit searches and seizures in narcotic cases taking into account the viciousness of illicit traffic and the peculiar nature of the evidence involved.

18. Legislation should be enacted authorizing the Federal Government to appeal a decision or judgment of Federal district courts where evidence is suppressed on the basis of questions as to search and seizure.

19. Federal narcotic agents should be given statutory authority to carry firearms, execute and serve arrest warrants, and make arrests without warrants for narcotic law violations.

20. The States should be urged to provide suitable legislation for the commitment of addicts for treatment.

21. State and local governments should be urged to provide adequate enforcement personnel to combat narcotic addiction and the illicit traffic on these levels.

22. It is urged that the States and local communities establish a program for the followup treatment of addicts and provide hospital facilities for treating addicts where warranted by the rate of addiction.

23. States should be urged to amend their narcotic laws to cope with the problem of the new synthetic narcotic drugs.

24. Those States without adequate narcotic legislation should be urged to adopt the Uniform Narcotic Drug Act.

25. All States should be urged to adopt an addict law similar to the one now in operation in New Jersey and to provide heavier mandatory type penalties for all narcotic violations.

26. The Federal Government, through its qualified agencies, should assist States and the local governments in the establishment of adequate programs of narcotic enforcement, treatment and rehabilitation.

27. Research should be continued and expanded on both the Federal and the State level into the causation and prevention of addiction as well as its treatment.

28. The Boggs law should be made applicable to the District of Columbia.

29. The penalties of the Boggs law should be broadened to cover drugs found on a vessel.

30. Stricter laws should be enacted governing the entrance and egress of airplanes to and from Mexico and Canada.

31. Legislation recommended by the Commissioner of Immigration and Naturalization for the expedition of the deportation of alien narcotic violators should be given early consideration by the Congress.

32. Consideration should be given to means for achieving increased public awareness of the evils of the illicit traffic in narcotics by the Federal, State, and local governments. Caution should be used to see that any program is devoid of sensationalism and overdramatization.

## VII. BARBITURATES AND AMPHETAMINES

### *A. Traffic*

Although narcotic addiction has been a problem in the United States for over a century, the abuse of barbiturates and amphetamines is of recent origin. Evidence received by the subcommittee indicates that the illicit traffic in these drugs is endangering the health and welfare of our citizens and presents a problem that has increased in seriousness during recent years.

The beneficial medical uses of barbiturates and amphetamines cannot be challenged and their legitimate utilization under proper guidance of, or, prescription from, a physician is a desirable consequence of our medical and pharmaceutical progress. Barbiturates and amphetamines constitute effective drugs for the medical profession to use in the treatment and alleviation of many human illnesses and disorders. The subcommittee is cognizant of the benefits to be derived from the proper uses of barbiturates and amphetamines but we are also aware of, and concerned with, abuses and problems arising from their improper uses.

Unlike the narcotic traffic, which is concentrated in our larger metropolitan areas, the illicit traffic in barbiturates and amphetamines attacks both large and small communities. The traffickers are individuals operating independent of any underworld organization. According to authoritative sources, the places of illicit distribution are many and varied, such as: Roadside taverns, service stations, houses of ill-repute, bars, hotels, restaurants, retail drugstores, and unscrupulous physicians.

The domestic production of barbiturates during the past 15 years has been tremendous. In 1954 manufacturers produced 798,000 pounds of barbiturates. This is equal to approximately 3 billion  $1\frac{1}{2}$  grain capsules, or enough to provide 18 doses for every man, woman, and child in the United States.

More than 1,500 different barbiturates have been synthesized; however, less than 20 are important to medicine. At the present time approximately 1,300 pharmaceutical firms in the United States manufacture barbiturates under various trade names.

While the source of illicit narcotic drugs is of foreign origin, the barbiturates and amphetamines in the illicit traffic originate from legitimate domestic sources. In the subcommittee's opinion the diversion from legitimate channels has created a need for controlling the domestic production and distribution of these drugs.

The illicit traffic in barbiturates and amphetamines has been encouraged by a lack of proper control of interstate shipments of these drugs. Large quantities have been diverted into illicit channels as the result of interstate shipments from manufacturers and wholesalers to unauthorized individuals. Mail-order house distribution also presents a problem, as well as the promiscuous refilling of prescriptions for barbiturates and amphetamines when the distribution is not in conformity with a medical prescription and the use is not under the supervision of a physician. Although the representative of one mail-order house testified before your subcommittee that his company employs qualified physicians to prescribe barbiturates, lack of individual supervision and proper control may possibly create an avenue for some diversion and abuse through such an outlet.

### *B. Dependence*

Differences of opinion exist among the foremost medical authorities as to the extent of barbiturate and amphetamine abuse, but all agree they are dangerous drugs and their misuse presents a serious public health problem.

Evidence presented to the subcommittee indicated that the abuse of these drugs leads to abnormal and antisocial behavior, and to the commission of crimes, especially those of a sex nature.

Barbiturates act as a depressant while amphetamines act as a stimulant. Authorities agree that both are at least habit-forming. Some authorities, including Dr. Harris Isbell, of the United States Public Health Service, refer to chronic barbiturate intoxication as barbiturate addiction.

In 1940 the American Medical Association conducted a survey and found the incidence of barbiturate addiction to be 1 in 15,000 hospital admissions. Although some authorities allege that addiction to barbiturates is now more widespread than narcotic addiction, no reliable

statistics concerning the current misuse of the barbiturate and amphetamine drugs are available.

Research studies at the United States Public Health Service Hospital at Lexington, Ky., indicate that the physical effects of barbiturate addiction are more serious than those of narcotic addiction. Those addicted are harder to treat, and the effects on the individual are more damaging. Convulsions and delirium are evident upon withdrawal of the drug.

As in the case of narcotic addiction, chronic barbiturate intoxication is essentially the result of personality disorder and the abuse is regarded as a symptom of emotional illness. The authorities agree that unless the personality disorder can be treated and improved, little can be accomplished. Therefore, a need exists for communities to provide treatment and rehabilitation for the barbiturate addict in the same manner as for the narcotic addict.

The promiscuous use and careless handling of barbiturates is responsible for many suicides and accidental deaths. Acute poisoning with barbiturates is now the most common cause of death resulting from any solid poison, or any other poison except carbon monoxide poisoning.

A problem of growing proportions has been created by the chronic users of barbiturates and amphetamines who are a menace to the public when driving on our streets and highways.

### *C. Legislation*

Limited Federal control of barbiturates and amphetamines was authorized under the Food, Drug and Cosmetic Act of 1938. The Duram-Humphrey amendment to this act, which became effective in 1952, strengthened Federal control of the barbiturates and amphetamines by dividing drugs into two classes, dangerous drugs and all other drugs. Barbiturates and amphetamines come under the classification of dangerous drugs, which can be sold only on prescription.

The act does not provide a special law for barbiturates and amphetamines, but includes them in the group of drugs which are of a character that must be confined to prescription use to avoid injury and abuse. The present Federal law does not provide adequate control and supervision over the manufacture and distribution of barbiturates and amphetamines.

Legislation is needed to allow more stringent Federal control of the production and distribution of barbiturates and amphetamines through the device of the interstate commerce clause. To maintain proper supervision over the domestic traffic in these drugs, controls must also be placed on their importation and exportation.

Most States have some law for controlling the barbiturate and amphetamine problem. However, many State laws are inadequate. A decided improvement could be brought about if all States would enact uniform legislation to effectively combat the increased abuse of these drugs. Improved State legislation is essential to forbid operation of motor vehicles by anyone intoxicated by barbiturates and amphetamines.

### *D. Enforcement*

The enforcement of the Federal law controlling barbiturates and amphetamines is the responsibility of the Food and Drug Administration of the Department of Health, Education, and Welfare. This

agency is also responsible for the enforcement of all the provisions of the Food, Drug, and Cosmetic Act. To enforce all provisions of the act, the Food and Drug Administration has a limited force of approximately 200 food and drug inspectors. This inadequate manpower has curtailed investigations of the illicit traffic in barbiturates and amphetamines. The testimony received by your subcommittee indicates that only from 5 to 8 percent of their time can be devoted to this serious and growing problem.

It is evident that lack of proper control has encouraged the illicit traffic in barbiturates and amphetamines. This lack of control is apparent on Federal, State, and local levels and appears to be primarily due to a lack of proper appreciation of the serious proportions of the problem and a consequent understaffing of enforcement forces along with inadequate legislation.

Control of the abuse of barbiturates and amphetamines, by the very nature of their production and supply, is a major responsibility of the States and local communities. The subcommittee urges that State and local enforcement staffs be increased immediately and trained personnel be provided to combat the illicit traffic on a statewide basis with more adequate implementing legislation provided where necessary.

#### *E. Recommendations<sup>3</sup>*

The importance of barbiturates and amphetamines in the field of medicine is well recognized. However, the increasing abuse of these drugs and the resulting dangers to the individual and to society demonstrates the need for stronger legislation and more vigorous enforcement to eliminate this serious problem.

The subcommittee believes that the primary responsibility for control of the abuse of barbiturates and amphetamines rests with the States. The Federal Government, through the interstate commerce clause, has responsibility relating to the control of these dangerous drugs. With this in mind, your subcommittee makes the following recommendations with the hope that prompt action may be taken with respect to them.

1. Legislation based on the interstate commerce clause should be enacted immediately to provide more stringent Federal controls with respect to barbiturates and amphetamines so as to prevent their continued abuse.

2. Legislation should be enacted immediately to control the importation and exportation of barbiturates and amphetamines.

3. Possession through other than authorized sources should be made subject to proper penalties.

4. The Food and Drug Administration should be provided with additional appropriations to permit an increase in their enforcement personnel to cope with the illicit traffic in barbiturates and amphetamines.

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<sup>3</sup> Legislation pertaining to these recommendations appears in the appendix to this report.

5. State and local governments should be urged to increase their enforcement activities to combat the abuse of barbiturates and amphetamines.

6. The States should be urged to adopt uniform legislation to control barbiturates and amphetamines and provide adequate penalties for violations.

7. The States and local communities should establish a program for the treatment and rehabilitation of barbiturate addicts and chronic users of amphetamines.

8. The current programs for educating physicians, pharmacists, nurses, and all other persons handling barbiturates and amphetamines concerning the dangers inherent in these drugs should be intensified. The Federal Government, through its qualified agencies, should coordinate its endeavors in this field with the associations and groups representing the manufacturers, physicians, pharmacists, and others in the drug field.

9. The Federal Government, in cooperation with State and local authorities should maintain appropriate surveillance and records so as to be able to determine the adequacy of applicable laws and enforcement procedures relating to barbiturate and amphetamine abuse.

### VIII. CONCLUSION

It is the conclusion of your subcommittee that drug addiction and abuses of barbiturates and amphetamines constitute one of the gravest social problems confronting our Nation. The continued illicit use of these drugs inevitably brings about the destruction of the individual and imposes serious deleterious effects upon our communities.

The basic causes of development of the drug habit are inherent in the individual. Habits usually only affect the individual but, in the case of drug addiction, indulgence reacts adversely on the community through increased crime and antisocial vices.

Institutional care is the only effective means of providing treatment of addiction. Once a former habitual user has been successfully withdrawn from the use of a drug, his rehabilitation must be undertaken to assure his remaining a constructive member of society.

The illicit trafficking in narcotics, barbiturates, and amphetamines breeds persistence in their continued use and creates new users. It is, therefore, of paramount importance that every constructive effort be made to eradicate this illicit traffic. Enforcement efforts must be increased on the Federal, State, and local levels. Illicit traffickers must be severely dealt with by the courts so that the costs of engaging in this evil commerce will deter even the most avaricious violator.

Elsewhere in this report your subcommittee has made specific recommendations designed to cure and prevent drug addiction and abuses, eliminate the illicit traffic in drugs, and provide for more effective control and regulation of lawful uses of narcotics, barbiturates, and amphetamines. Your subcommittee is unanimous in urging the prompt adoption of these recommendations.

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